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ACT No. I. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 7th of February* 1851, *with the assent of the Most Noble the Governor General of India.

For the appropriation of fines levied under Act XXIV. 1845.

IT being reasonable and just that the amount of all fines levied under Section V. Act XXIV. 1845, should go toward defraying the expenses attending the holding of Courts under the said Act, It is enacted as follows:

I. All fines imposed and levied under Act XXIV. 1845, shall be paid into the Government Treasury to the credit of the Marine Department of the Presidency of Fort William in Bengal, and shall be applicable in discharge of expenses connected with the summoning and holding of Courts and other proceedings under the said Act.

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BOMBAY BRANCH
OF THE
Royal Asiatic Society.

ACT No. II. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 11th April 1851, with the assent of the Most Noble the Governor General of India.

To amend Regulation XIII. 1810, *of the Bengal Code, for the trial of Appeals.*

WHEREAS the Sudder Dewanny Adawlut of the North-Western Provinces, of the Presidency of Fort William in Bengal, as now constituted, comprises three Judges only, and appeals cannot therefore be entertained according to Regulation XIII. 1810, of the Bengal Code, and Act II. 1843, where the judgment appealed from was passed by one of the said Judges, and it is therefore expedient that the said Regulation be amended, It is enacted as follows:

I. No Judge, of either of the Courts of Sudder Dewanny of the Presidency of Fort William in Bengal, shall be disqualified from being one of three Judges sitting for the hearing and decision of an appeal, by reason of his having passed the decision in the Lower Court, against which the appeal is made.

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ACT No. III. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 11th April 1851, with the assent of the Most Noble the Governor General of India.

An Act to amend Regulation X. 1819 and Act XXIX. 1838, for preventing the unlawful manufacture and transportation of Salt.

WHEREAS the Laws in force for prevention of the unlawful manufacture and transportation of Salt in the Provinces of Bengal, Behar and Orissa are defective, It is enacted as follows:

I. Any Salt Agent or Superintendent of Salt Chokies, and also any Assistant to a Salt Agent or Superintendent, or head Officer of any Salt Chokee or Aurung, to whom information shall be given that salt is unlawfully manufactured in any warehouse, dwelling house or other enclosed place within his jurisdiction, may act upon such information in the same manner as in Act XXIX. 1838 he is authorized to act, upon information given him of salt exceeding one maund in quantity being in store in a house, warehouse or other place; and all freshly manufactured contraband salt found by such Officer shall be liable to seizure together with the implements of manufacture, and the provisions of Sections II. to X of Act XXIX. 1838, as to the receipt of information and the manner of search and seizure, and of Section XXIII. of the same Act, as to the penalty

penalty for false and malicious information, shall be applicable to information given, and search and seizure made under this Act.

II. In modification of Section XIV. Act XXIX. 1838, any person who shall be found conveying salt, exceeding in quantity five seers of eighty tolahs to the seer, without protective document, within the tract of country in Bengal or Orissa wherein the transportation of salt, unless so protected, is prohibited, and also all persons found in gangs or companies carrying salt so unprotected, which in the whole quantity exceeds ten such seers, shall be subjected to the penalties prescribed by Regulation X. 1819, of the Bengal Code, and Act XXIX. 1838, for the illegal possession and transportation of salt.

Calcutta, 1851.—Printed at the Bengal Military Orphan Press, by W. Palmer.

ACT No. IV. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 25th April 1851, with the assent of the Most Noble the Governor General of India.

An Act for the appointment of uncovenanted Deputy Magistrates, and for defining the duties of Deputy and Assistant Magistrates in Bombay.

WHEREAS the administration of justice will be improved by extending the provisions of Act XV. 1843, to the Presidency of Bombay, and by more exactly defining the powers of Assistant Magistrates, It is enacted as follows:

I. So much of Act XIV. 1835, as empowers the Governor of Bombay in Council to confer on any Assistant Magistrate, by a special order, any of the powers of a Magistrate, is repealed.

II. The Governor of Bombay in Council may appoint to any Zillah or District one or more uncovenanted Deputy Magistrates, with the powers hereinafter specified.

III. Every person appointed to the office of Deputy Magistrate under this Act shall, before entering upon the execution of the duties of his

his office, make and subscribe before one of the Courts of Record established in the said Presidency, (or in the Zillah to which he is appointed) a declaration to the same effect as the oath required by law to be taken by Magistrates, which declaration shall be deemed to be made under Act XXI. 1837.

IV. A Deputy Magistrate apppointed under this Act, or an Assistant Magistrate, may be employed as a judicial officer, or as an officer of Police, or both, at the discretion of the Governor of Bombay in Council. As a judicial officer he shall exercise the powers of a covenanted Assistant, under Section III. Regulation XII. 1827, Regulation IV. 1830, Regulation VIII. 1831, of the Bombay Code, and Act XXV. 1839, or the full powers of a Magistrate, when specially authorized by the Governor of Bombay in Council; and, in such cases, he shall be subject to such authority in regard to appeals from his decisions and judicial orders as is provided under the above mentioned Regulations for the decisions and orders of a covenanted Assistant or of a Magistrate respectively. As an officer of Police, he shall be in all respects subordinate to the Magistrate under whom he is placed; he shall exercise such executive powers only as the Governor of Bombay in Council, or the Magistrate, with the sanction of the Governor of Bombay in Council, commits to him, and shall obey all lawful orders so issued, and perform all duties so assigned to him by the said Magistrate, who shall be at all times competent, subject to such orders as he receives, from time to time, from the Governor of Bombay in Council, to extend, limit or resume the executive powers committed to such Assistant or Deputy.

V. Nothing in this Act contained shall be held to disqualify any uncovenanted Officer in the Revenue and Judicial Departments from holding, at the same time with any other office, the office of Deputy Magistrate.

VI. A Deputy Magistrate appointed under this Act shall not be dismissed from office for misconduct, without the sanction of the Governor of Bombay in Council. Whenever there is reason to believe, that a Deputy Magistrate is disqualified, by neglect, incapacity, corruption or other misbehaviour, for continuance in office, a report shall be made by the Magistrate for the consideration and orders of the Governor of Bombay in Council, who shall be competent to suspend such Deputy Magistrate, and order a further enquiry into his behaviour, or order his immediate dismissal, as appears just and proper.

Calcutta, 1851.—Printed at the Bengal Military Orphan Press, by W. Palmer.

ACT No. V. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 6th June 1851, *with the assent of the Most Noble the Governor General of India.*

For relief of certain sufferers by the Insolvency of Sir Thomas Turton, Baronet.

WHEREAS, under an Act of Parliament passed in the fortieth year of the Reign of King George the Third, entitled "an Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same," Sir Thomas Edward Mitchell Turton, Baronet, as Registrar of the Ecclesiastical Court at Fort William in Bengal, was empowered to administer to the Estates of all British Subjects dying intestate within the said Presidency of Fort William in default of any claim made and established on behalf of any next of kin or Creditor to the deceased; And whereas the said Sir Thomas, on or about the 25th day of February 1848, resigned the Office of Registrar of the said Ecclesiastical Court, then being insolvent, and unable to pay several large sums of money due to the owners of sundry Estates to which he had administered or had assumed to administer under the power vested in him by the said Act, and also other sums of money due to the owners of sundry Estates of which he had taken

taken charge as such Registrar, although on account of the small value thereof or otherwise, no Letters of Administration of the last mentioned Estates were granted to him, and also other sums of money belonging either to suitors of the Supreme Court of Judicature at Fort William in Bengal, or other persons for whose benefit a trust was created in the said Sir Thomas, by reason of his holding the office of Registrar of the said Court, on its Ecclesiastical, Equity and Admiralty sides, or as Curator under Act XIX. 1841, or as Official Trustee under Act XVII. 1843;

And whereas, in order to know the deficiency of the said Sir Thomas in respect of the said several particulars of charge, certain Commissioners were appointed by an order under the seal of the Supreme Court of Judicature at Fort William, bearing date the 8th March 1848, to enquire and report thereon to the Court;

And whereas the said Commissioners made their report to the said Court, bearing date the 25th January 1849, and now filed of record in the said Court, whereby they reported fully on the several matters committed to them as aforesaid, setting forth in the body of the said Report, and also in certain Schedules thereunto annexed marked (A,) (B,) (C,) (D,) (E,) and (F) respectively the names and titles of the several Estates, suitors and other persons to whom upon the account taken by them, money or securities for money appeared to be due by the said Sir Thomas;

And whereas, it is deemed expedient that the said sufferers by the insolvency of the said Sir Thomas Edward Mitchell Turton be reimbursed their several losses out of the accumulated produce of certain unclaimed Estates, now in the custody and management of the Administrator General, due provision being made for securing the interests of the rightful claimants thereunto, if any shall hereafter appear; It is enacted as follows:

I. The

ACT No. V. OF 1851.

I. The net proceeds of all Estates to which the Registrar of the said Ecclesiastical Court has administered in right or under colour of his office under the said Act of Parliament, and which from the official books and accounts of the said Registrar appear to have been in the custody or control of the said Registrar ready to be distributed before the first day of January 1836, and to have been since that time unclaimed and now to continue unclaimed in the custody or control of the Administrator General in Bengal in right of his office under Act VII. 1849, and also from time to time the net proceeds of all Estates to which the said Registrar or the said Administrator General under the said Act VII. 1849 has administered, or to which the said Administrator General shall hereafter administer, and which shall in like manner appear to have continued for fifteen years in his custody or control unclaimed shall be transferred and paid, as the same respectively accrue, to the Sub-Treasurer of the East India Company at Fort William in Bengal, and be carried to the account and credit of the East India Company for the general purposes of Government, and the receipt of the said Sub-Treasurer shall be a full indemnity and discharge to the said Administrator General for any such payment.

II. If any claim shall be hereafter made to any part of the net proceeds of any Estate so transferred and paid to the account and credit of the East India Company, and established to the satisfaction of the Administrator General and Accountant to the Government of Bengal for the time being, the said Accountant shall direct the Sub-Treasurer to repay, and the Sub-Treasurer shall thereupon repay the principal sum so paid or represented by the Securities so transferred, or so much thereof as shall appear to be due to the claimant out of the monies of the East India Company in his custody. If the claim is not established to the satisfaction of the said Administrator General and Accountant, the claimant may apply by petition to the said Supreme Court against the East

East India Company and Administrator General, for the time being; and, after taking evidence either orally or on affidavit in a summary way as the Court shall think fit, the Court shall make such orders on the petition as justice requires, which shall be binding on all parties to the suit.

III. The Accountant to the Government of Bengal is authorized and required from time to time to direct the Sub-Treasurer to pay, and the Sub-Treasurer shall thereupon pay, out of the monies of the East India Company in his custody, such sums as will be sufficient to pay off and discharge to such persons as shall appear to be entitled thereunto, as the lawful representatives of the Intestates and others named in the Schedules (A,) (B,) (C,) (D,) annexed to the said Report, and also to the suitors and other persons entitled to the Equity Deposits and Trust monies in the suits and under the trusts named in the Schedules (E) and (F) annexed to the said Report, and other deposits and trust monies (if any) paid or entrusted to the said Sir Thomas by order of the said Court, and to the net proceeds of the estate of Ramnarain Coondo, of which the said Sir Thomas was Curator under Act XIX. 1841, the several principal sums of money which, upon the final adjustment of the accounts of their several claims and estates, shall appear to have been due to them respectively from the said Sir Thomas on the 25th day of February 1848, and to be then still due and unsatisfied, and also the balance due by the said Sir Thomas to Government in respect of Court fees received by him as Registrar of the said Court, but not accounted for by him to Government.

Calcutta, 1851 :—Printed at the Bengal Military Orphan Press, by W. Palmer.

ACT No. VI. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 6th June 1851, with the assent of the Most Noble the Governor General of India.

Respecting certain land in Bombay called Foras Land.

WHEREAS the East India Company are legally entitled to the freehold reversion of the several lands heretofore paying a render called Foras, the outline whereof is delineated in a plan deposited in the office of the Secretary to the Government of Bombay and authenticated by the signatures of the Right Honorable the Governor and Members of the Council of Bombay and numbered 1, subject to certain tenancies therein at will, or from year to year; and whereas it is considered expedient as of grace and favor that the rights of the said East India Company in all of the lands included in the said plan, save those marked upon the said plan as to be taken, or as having already been taken for public roads, tanks and other public purposes, the outline of which lands so to be or having been taken is also delineated in another plan numbered 2, also deposited and authenticated as aforesaid, should be extinguished save as hereinafter mentioned, It is enacted as follows:

I. The lands comprised in the said plan No. 2 shall, from and after the first day of July, in the year 1851, be vested in the said Company

free from all rights therein of all other persons, for the purpose of constructing public roads, tanks and other public purposes.

II. From and after the said first day of July, the rights of the said Company in all of the said lands mentioned in the said plan No. 1, except those mentioned in the said plan No. 2, shall be extinguished in favor of the persons who shall then hold the same respectively as the immediate rentpayers to the said Company, saving the rents now severally payable in respect of such lands, which shall continue payable, and recoverable by distress or by any means by which land revenue in Bombay is or shall be recoverable under any Act or Regulation, and saving also all rights of forfeiture and escheat, in respect of want of heirs or representatives, or of felonies committed, or otherwise in respect of attainder.

III. As between such rentpayers and other persons, such extinguishment shall enure for the benefit of the persons beneficially entitled to the lands thereby affected, and not of any mere Trustee or other person in whom the legal estate only is or may be vested.

IV. Nothing herein contained shall exempt such lands from being liable to any future general taxes on land in Bombay, or from being subject to Act XXVIII. 1839 and Act XVII. 1850.

V. After the said first day of July as soon as shall be convenient, the Governor of Bombay in Council shall appoint fit persons, not exceeding five in number, to be Commissioners under this Act, for the purposes hereinafter mentioned (with such salaries or remuneration as to the said Governor in Council shall seem fit); any three or four of whom met together, (two being Officers of Government), may do any act which by this Act the Commissioners are empowered to do; and in case of the death,

death, resignation, removal or absence of any such Commissioner, the Governor in Council shall appoint another in his room.

VI. A duplicate of the said plans, authenticated by one of the Secretaries to the Government of Bombay, shall be lodged with the said Commissioners and shall form a record of their office.

VII. From and after the said first day of July the said Commissioners shall proceed to estimate the value of the several portions of land and the improvements thereon comprised in the said plan No. 2, and of the expenses which will be incurred in executing this Act, and to assess the amount of such estimate in such way and in such proportions as to them shall seem right to and upon the lands mentioned in the said plan No. 1, and the fund to be raised by such assessment shall be denominated the "Foras Land Assessment Fund"; and for the purpose of framing such estimate and making such assessment the said Commissioners may summon as witnesses any persons whomsoever, whether interested or not in the said lands, and examine them on oath or otherwise as they may see fit, or proceed upon a mere estimate, according to the best of their judgment, without evidence.

VIII. Any person summoned as a witness, and refusing or without lawful excuse neglecting to appear and give evidence according to the terms of the summons may, on proof thereof, be fined by any Magistrate of Police for every default a sum not exceeding ten Rupees, to be paid to the said Commissioners for the said Foras Land Assessment Fund, and may be committed to prison in default of payment.

IX. The said estimate and assessment when completed shall be signed by the said Commissioners and form a record of their office.

X. After

X. After the completion of the said estimate the said Commissioners shall make out and sign certificates, which shall, by numbers, or in such other way as to the said Commissioners may seem more convenient, refer to the several portions of land mentioned in the said plan No. 2, and shall show the estimated value of the land and improvements thereon to which the same refer, which certificate shall give to the holders thereof a right to demand payment of the sums for which the same are in the body of the same expressed to be granted, from and out of the said "Foras Land Assessment Fund," after the said Commissioners shall, by public advertisement in the Bombay Government Gazette, have advertised that they are ready to redeem the said certificates.

XI. The persons who shall have been the rentpayers to the said Company on the said first day of July of any land mentioned in the said plan No. 2, or their representatives or assigns shall be entitled to be the first holders of the certificates relating to the same lands.

XII. When the said certificates shall have been completed, the said Commissioners shall distribute the certificates to the persons entitled thereto; or, if it shall appear to them doubtful to whom any certificate should be delivered, may deposit it with the Prothonotary of the Supreme Court of Judicature established at Bombay by Royal Charter, which Court may adjudicate upon the right to every certificate so deposited, and may direct how such right shall be tried.

XIII. The delivery to any person by the Commissioners of any certificate shall not confer upon him any right to retain the same as against any person having a better title thereunto, who shall be at liberty to sue for and recover the same, and all benefits thereto belonging, in the said Supreme Court, by such proceeding as the said Court shall direct.

XIV. When

XIV. When the said assessment shall have been completed, the Commissioners shall give notice thereof in the Government Gazette, and after the expiration of three weeks next following the publication of such notice shall proceed to collect the assessments, and if necessary to levy them by distress and sale of any goods found on the said lands, or by sale of the lands assessed; and the said Commissioners shall keep accounts of the sums received for assessment, and pay the same from time to time into the Bank of Bombay.

XV. The said Commissioners, subject to the approval of the Governor of Bombay in Council, may employ such Surveyors, Accountants and Clerks as to them shall seem fit, and incur such other charges and make such disbursements from the said Foras Land Assessment Fund as may be necessary for executing the provisions of this Act.

XVI. The Commissioners may receive any portion of the assessment from any person, but any receipt granted by them for the same shall not affect the title to any lands in respect whereof the same shall have been paid; and, when the said Foras Land Assessment Fund, or such portion thereof as to the said Commissioners shall seem adequate, shall have been recovered, the said Commissioners shall redeem the certificates on demand by the holders thereof.

XVII. When, on the sale of any land or goods for satisfaction of any assessment, more money shall be raised than is required to pay the amount to be levied, the Commissioners shall pay the overplus to such person or persons as shall appear to them to have been entitled to the land or goods sold; or, if they are doubtful to whom they should pay the same, may pay such overplus to the Accountant General of the said Supreme Court, and any persons claiming to be entitled thereto may

sue for and recover the same by such proceeding in the said Supreme Court as the said Court shall direct.

XVIII. The Commissioners shall not be liable for the amount so paid to any person, in case another person having better title thereunto shall afterwards appear, but the same may be recovered from the party who received the same or his representatives at the suit of the person entitled thereunto.

XIX. The said certificates shall be transferrable by endorsement.

XX. The said Commissioners, at any time after the said first day of July may grant a warrant to any person or persons to take and deliver to the Officers of the Bombay Government any of the lands mentioned in the said plan No. 2, which warrant shall confer on such person or persons the same powers and rights which the Sheriff has for executing a writ of possession issued by the said Supreme Court.

XXI. The said Commissioners, with the consent of the Governor of Bombay in Council, to be signified in writing upon the said plan No. 2, under the hand of one of the Secretaries to the Government of Bombay, at any time before the completion of the assessment, may alter the plan No. 2 lodged with the said Commissioners, and corresponding alterations shall be made in the plan No. 1 lodged with the said Commissioners, and the Governor of Bombay in Council shall thereupon cause the like alterations to be made in the plans deposited in the Office of the Secretary to the Government of Bombay; and, if any such alterations shall be so made, the plans so altered shall to all intents and purposes of this Act be considered as the plans referred to by this Act. Provided always that, if any difference shall at any time appear between the plans deposited with the Commissioners and the plans deposited in the office of the Secretary

to

to the Government of Bombay, the latter shall be deemed the original and authentic plans referred to by this Act.

XXII. No action at law or other proceeding shall be brought in any Court whatever against any Commissioner under this Act for any thing done or omitted to be done by him as a Commissioner thereunder; and a certificate in writing under the hand of one of the Secretaries to the Government of Bombay shall be evidence that any such act or deed of commission or omission complained of was done by the Commissioners in execution of their powers as such Commissioners under this Act.

XXIII. On the close of the business of the said Commission the records thereof shall become and be made a record of the Bombay Government.

XXIV. If, at the closing of the said Commission, there should appear to be any unappropriated balance of the said Foras Land Assessment Fund, the same shall be paid to the Municipal Fund of Bombay; and, if the said Foras Land Assessment Fund should prove insufficient to answer the charges upon it, the deficient amount shall be paid from the said Municipal Fund, upon an order or orders to be signed by the said Commissioners, countersigned by one of the Secretaries to the Government of Bombay.

First Schedule.

Containing the form which may be adopted for the Estimate mentioned in this Act.

No. in Plan.	Quantity in Square Yards.	Value including Improvements.

Assessment.

Assessment.

No. in Plan.	Quantity in Square Yards.	Amount of Assessment.

SECOND SCHEDULE.

Containing the form which may be used for summonses for witnesses.

Commission under the Foras Land Act.

You are required to attend the Commissioners on at o'clock the day of to give evidence under the provisions of Act No. VI. 1851.

(Signed) _____
_____
_____

Commissioners.

THIRD SCHEDULE.

Containing the form which may be used for Certificates.

Foras Land Act VI. 1851.

This is to certify that the holder of this Certificate is a Claimant on the Foras Land Assessment Fund in respect of land taken for public purposes under Act VI. 1851, for the sum of Rupees

(Signed) _____
_____
_____

Commissioners.

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ACT No. VII. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 13th June 1851, with the assent of the Most Noble the Governor General of India.

To amend the law of the Bombay Presidency relating to execution of Decrees.

WHEREAS it is necessary to amend the Law of the Bombay Presidency, relating to execution of Decrees, It is enacted as follows:

I. Clause 2nd, Section LXI. Regulation IV. and Clause 3rd, Section VII. Regulation XXIX. 1827, of the Bombay Code, are repealed.

II. Decrees in Civil Suits, whether original or in appeal, shall be executed by the Court in which the original Decree was passed, and every application for execution of a Decree shall be made to the Court in which the Decree was originally passed.

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ACT No. VIII. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 4th July 1851, *with the assent of the Most Noble the Governor General of India.*

An Act for enabling Government to levy Tolls on Public Roads and Bridges.

WHEREAS it is expedient to enable Government to levy Tolls upon Roads and Bridges, It is enacted as follows:

I. Acts II. of 1837 and VIII. of 1838 are repealed, but not so as to revive any Regulation or Act thereby repealed.

II. The Governor of the Presidency of Fort William in Bengal, the Lieutenant Governor of the North Western Provinces of Bengal, the Governor of the Presidency of Fort St. George in Council, and the Governor of the Presidency of Bombay in Council, may cause such rates of Toll, not exceeding the rates mentioned in the Schedule annexed to this Act, as they respectively think fit, to be levied upon any road or bridge which has been, or shall hereafter be made or repaired at the expense of the Government; and may place the collection of such Tolls under the management of such persons as may appear to them proper: and all persons employed in the management and collection of such Tolls

Tolls shall be liable to the same responsibilities, as would belong to them, if employed in the collection of the Land Revenue.

III. In case of non-payment of any such Toll on demand, the Officers appointed to collect the same may seize any of the carriages or animals on which it is chargeable, or any part of their burden of sufficient value to defray the Toll; and, if any Toll remains undischarged for twenty-four hours, with the cost arising from such seizure, the case shall be brought before the Officer appointed to superintend the collection of the said Toll, who may sell the property seized for discharge of the Toll, and all expenses occasioned by such non-payment, seizure and sale, and cause any balance that may remain to be returned, on demand, to the owner of the property; and the said Officer, on receipt of the property, shall forthwith issue a notice that, at noon of the next day, exclusive of Sunday, or any close holiday, he will sell the property by auction. Provided that if, at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expences incurred, and of double the Toll payable by him, the said Officer shall forthwith release the property seized.

IV. No Tolls shall be paid for the passage of Troops and Military Stores and Equipages on their march, or of Police Officers on duty, or of any person or property in their custody; but no other exemption from payment of the Tolls levied under this Act shall be allowed.

V. All Police Officers shall be bound to assist the Toll Collectors, when required, in the execution of this Act; and, for that purpose, shall have the same power which they have in the exercise of their common Police duties.

VI. Every person, other than the persons appointed to collect the Tolls under this Act, who shall levy or demand any Toll on any public road

road or bridge, or for passing through any bazar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other, or higher Toll than the lawful Toll, or under colour of this Act seize or sell any property, knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money, or any valuable thing from any person under colour of this Act shall be liable on conviction before a Magistrate, to imprisonment for any term not exceeding six Calendar months, or to fine not exceeding two hundred Rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved: but this remedy shall not be deemed to bar, or affect his right to have redress by suit in the Civil Court of the Zillah.

VII. A Table of the Tolls authorized to be taken at any Toll-gate or Station shall be put up in a conspicuous place near such gate or station legibly written or printed in English words and figures, and also in those of the Vernacular language of the district to which shall be annexed, written or printed in like manner, a statement of the penalties for refusing to pay the Tolls and for taking any unlawful Toll.

VIII. The Tolls, levied under this Act, shall be deemed public revenue; but the net proceeds thereof shall be applied wholly to the construction, repair and maintenance of roads and bridges, within the Presidency in which they are levied

SCHEDULE.

On every four wheeled Carriage on Springs, ...	2	Rupees.
On every two wheeled Carriage on Springs (except Native Hackeries,)	1	Rupee.
On every Native Hackery on Springs, ...	2	Annas.
On every four wheeled Carriage without Springs, ...	6	Annas.

On

On every two wheeled Carriage without Springs, ...	4	Annas.
On every Cart and Hackery not on Springs, and having wheels of less diameter than three feet six inches and tyres less in breadth than three inches, ...	8	Annas.
On every Cart and Hackery not on Springs and not having wheels of less diameter than three feet six inches, and tyres less in breadth than three inches,	2	Annas.
Buffalos or Bullocks per head, ...	6	Pie.
On every Elephant, ...	1	Rupee.
On every Camel, ...	4	Annas.
On every Horse, ...	1	Anna.
On every Tattoo, ...	6	Pie.
On every score of Sheep or Goats, ...	2	Annas.
On every herd of Swine per hundred, ...	4	Annas.
On every Mule, ...	3	Pie.
On every Ass, ...	2	Pie.
On every Palanquin or Tonjon with Bearers, ...	1	Rupee.
On every Palna or small Native Palanquin with Bearers,	4	Annas.
On every Native Dooly with Bearers, ...	2	Annas.
On every Person carrying a load for hire, ...	2	Pie.

N. B. Animals drawing any Vehicle for which Toll can be demanded are not to be also charged with Toll.

Calcutta, 1851.—Printed at the Bengal Military Orphan Press, by W. Palmer.

ACT No. IX. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 11th July 1851, with the assent of the Most Noble the Governor General of India.

An Act for the prevention of Gambling in Bombay.

WHEREAS the vice of Gambling has of late years much increased, and many gaming houses have been established within the Town and Island of Bombay, for suppression of which the laws now in force are inadequate, It is enacted as follows:

I. So much of Article II. of Title Fifth of a Rule, Ordinance and Regulation passed by the Governor of Bombay in Council on the 11th day of April 1827, and registered in the Supreme Court of Bombay on the 22nd day of June 1827, as provides that the Court of Petty Sessions shall exercise jurisdiction over common gamblers who shall not give a satisfactory account of any other means of livelihood, is repealed.

II. Every person who, within the Town and Island of Bombay, shall keep a common gaming house, or any room, or other place used for the purposes of a common gaming house, or who shall have the care or management thereof, or shall in any manner conduct the business of any such common gaming house, either as Banker, Shroff, Croupier

Croupier or otherwise, shall, on conviction before the Court of Petty Sessions, be punishable by fine not exceeding One Thousand Rupees, or, in the discretion of the said Court, may be imprisoned with or without hard labor for any period not exceeding six Calendar months.

III. And, whereas it may be doubted, whether or not certain houses or rooms alleged or reputed to be opened for the use of the subscribers only, or not open to all persons desirous of using the same, are to be deemed common gaming houses, it is declared and enacted that, in default of other evidence proving any house, room, or place to be used as a common gaming house, it shall be enough, in support of the allegation in any information or indictment that any house, room, or place is a common gaming house, to prove that such house, room, or place is kept or used for playing therein at cards, dice, or any unlawful game, and that a bank is kept there by one or more of the players exclusively of the others, or that the chances of any game played therein are not alike favourable to all the players, including, among the players, the banker or other person by whom the game is managed, or against whom the other players stake, play or bet; and every such house, room, or place shall be deemed a common gaming house.

IV. Every person who shall be found in any such common gaming house playing or gaming with cards, dice, counters, money, or other instruments of gaming, or who shall be found there present during such playing or gaming, or for the purpose of gaming, or who shall be found gaming with cards, dice, counters, money, or other instruments of gaming in any street or public place or thoroughfare within the said town and island, whether playing for any money, wager, stake, or otherwise, shall be punishable, on conviction before the Court of Petty Sessions, by fine not exceeding Five Hundred Rupees; or in the discretion of the said

said Court, may be imprisoned with or without hard labor for any period not exceeding three Calendar months.

V. Any Magistrate of Police, upon information laid before him on oath that there is reason to suspect any house, room, or place within the said town and island to be used as a common gaming house, may, by his warrant, give authority to any Constable of Police in the town and island of Bombay to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place, and to take into custody all persons whom he finds therein, whether or not then actually gaming; and to seize all instruments of gaming, and all monies and securities for money found therein, and to search all parts of the house, room, or place which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed; and to search also the persons of those whom he so takes into custody, and to seize and take possession of all cards, dice, counters, and other instruments of gaming which he shall find upon such search.

VI. When any cards, dice, gaming table or cloth, or other instruments of gaming are found in any house, room, or place of which information has been given on oath to a Magistrate of Police, that it is suspected of being used as a common gaming house, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, room, or place is used as a common gaming house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Constable or any of his Assistants.

VII. On conviction of any person for keeping or being present for the purpose of gaming in any common gaming house, all the instruments of gaming found therein shall be destroyed by order of the Court

of

of Petty Sessions, which shall also order all, or any of the securities for money, and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all monies seized therein, to be forfeited, or in its discretion may order any part thereof to be returned to the parties appearing to have been severally thereunto entitled.

VIII. Any Officer of Police may arrest without warrant all persons whom he may see in the act of gaming in any street or public place or thoroughfare in the said town or island, and seize all cards, dice, counters, and instruments of gaming which he finds in their possession, which, on conviction of any of the parties, shall be destroyed by order of the Court.

IX. It shall not be necessary, in order to convict any person of keeping a common gaming house, or of being concerned in the management of any common gaming house or gaming table, to prove that any person found playing at any game was playing for any money, wager, or stake.

X. Any person who shall have been concerned in any unlawful gaming, and who shall be examined as a witness before the said Court of Petty Sessions, on the trial of any person or persons for a breach of any of the provisions of this Act, and who upon such examination shall make true and faithful discovery to the best of his or her knowledge of all things as to which he or she shall be so examined, and who shall thereupon receive from the said Court a certificate in writing to that effect, shall be freed from all prosecutions under this Act for any thing done before that time in respect of such unlawful gaming.

XI. Nothing in the foregoing provisions of this Act contained shall be held to apply to any game of mere skill played at Hotels or Taverns licensed

licensed by the Collector of Land Revenue, and the Senior Magistrate of Police under Act XVIII. of 1840, or in any place of public resort licensed by the Court of Petty Sessions under Act XIV. of 1842.

XII. Every person who shall by any fraud or unlawful device or ill practice in playing at or with cards, dice, or other game, or in bearing a part in the stakes, wagers or adventures, or in betting on the sides or hands, of them that do play, or in wagering on the event of any game, sport, pastime, or exercise, win from any other person for himself, or any other or others any sum of money or valuable thing, shall be deemed guilty of obtaining such money or valuable thing from such other person by a false pretence, with intent to cheat or defraud such person of the same, and being convicted thereof shall be punished accordingly.

XIII. No conviction or other proceeding before the said Court of Petty Sessions under this Act shall be quashed, or set aside or adjudged void or insufficient for want of form, or be removed by Certiorari into Her Majesty's Supreme Court.

XIV. All fines imposed under this Act shall be recovered under Act II. of 1839.

XV. The Court of Petty Sessions shall on conviction have power to direct any portion, not exceeding one-fourth of any fine which shall be levied under the provisions of this Act, or any part of the monies or proceeds of articles seized in any common gaming house and ordered to be forfeited, to be paid to an informer, and the balance of such fines and monies or the whole thereof, as the case may be, shall be applied to the use of the Municipal Fund under Act XI. of 1845.

Calcutta, 1851.—Printed at the Bengal Military Orphan Press, by W. Palmer.

ACT No. X. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 18th July 1851, with the assent of the Most Noble the Governor General of India.

To amend Act XX. of 1841 *for the Administration of personal Estate of deceased persons.*

FOR amendment and extension of the power to grant Certificates of Administration of the personal Estate of deceased persons under Act XX. of 1841, It is enacted as follows:

I. In the case of disputes among persons, claiming to be jointly entitled to be proprietors of any public Securities of the East India Company, as the representatives of any deceased person, the District or Zillah Judge, whenever sufficient cause shall be shown to him, and on the request of any such claimant, may grant a Certificate of Administration of the personal Estate of the deceased, so far as concerns the said Securities, according to Act XX. of 1841, to such person as shall be from time to time appointed by the Governor of Bengal, and Governors of Madras and Bombay in Council respectively, to act as Trustee under this Act; and shall specify in such Certificate the several persons appearing to him to be such proprietors, and their several shares; and the said Trustee, by virtue of such Certificate, shall be entitled to receive and

and give discharges for the interest accruing due on such Securities; and shall account for, and pay the sum to the several persons specified in the Certificate to be thereunto entitled, according to the shares therein set forth; and shall be empowered to act in all other respects concerning the said Securities as Agent for such persons; and shall be entitled to the same rate of Commission upon all such transactions as is allowed to the Government Agent for the time being on the like transactions, as Agent of the public creditors of the East India Company, by any Regulations from time to time made by the Governor General of India in Council: Provided nevertheless that the right of any other person to recover the whole or any part of the monies so paid, by regular suit against all or any of the persons to whom the same have been paid, shall not be affected by this Act.

II. If any such disputes, among persons claiming to be proprietors of public Securities of the East India Company, are not ended within two years from the date of the Certificate of Administration granted by any District or Zillah Judge, the said Trustee may apportion the principal sum of the said Securities rateably among the parties appearing from the aforesaid Certificate to be proprietors thereof, and may apply for and receive new Securities from the proper Officer appointed to issue the same, in the respective names of the several parties certified to be entitled thereto; provided that such new Securities shall be issued only according to the rules in use for the regulation and issue of such public Securities; and the receipt of the said Trustee for such new Securities, by endorsement on the old Securities or otherwise, shall be a legal discharge to the East India Company against the disputing parties claiming to be entitled to the several amounts for which such Securities shall be issued: Provided always that, if the amount of any Securities in dispute or any part thereof, shall not be sufficient to admit of their rateable division according to the Rules applicable to the issue of such Securities, the said Trustee may sell, and dispose of the disputed Securities, or such

part

part as shall be necessary under this provision, and apportion the proceeds thereof among the parties entitled to receive the same.

III. Every such Certificate, granted to the Trustee appointed under this Act, shall be taken to supersede and annul any previous Certificate given of a half or any other share in the said personal Estate, so far as concerns the said Securities.

IV. As regards Residents in Foreign States, out of the jurisdiction of British Courts of Justice, a Certificate of Administration to personal Estates granted by the British Representative accredited to that State, or as regards the Residents in any district to which Act XX. of 1841 does not extend, such Certificate granted by the British Officer in that district, holding the highest executive authority, shall have the same effect, as regards public Securities of the East India Company, as a Certificate granted to a native subject of Her Majesty under the provisions of Act XX. of 1841, as amended by this Act.

V. This Act shall be construed with and as part of Act XX. of 1841.

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ACT No. XI. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 26th September **1851**, *with the assent of the Most Noble the Governor General of India.*

For the Custody of Registers of Deeds in the Presidency of Bengal.

WHEREAS by Act XXX. 1838, provision was made for the establishment of offices for the Registry of Deeds at any civil stations, under the superintendence of any officer resident at such stations whom Government may nominate for that purpose, and whereas the deposit of such registers among the records of the Dewanny Adawlut, as required by Regulation XXXVI. 1793 of the Bengal Code and other Regulations cited in the said Act is inconvenient, It is enacted as follows:

The Register Books of Offices established under Act XXX. 1838 shall be deposited in the Lower Provinces of the Presidency of Bengal, among the records of the Magistrates or Joint Magistrates, and in the North-Western Provinces of the said Presidency, among the records of the Collectors of the stations where such offices have been, or shall be hereafter established.

Calcutta, 1851 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XII. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 14th November 1851, with the assent of the Most Noble the Governor General of India.

An Act for securing the Land Revenue of Madras.

WHEREAS it is expedient that the land revenue accruing due to the East India Company at Madras, within the limits of the Town of Madras as defined in Section XII., Regulation II. of 1802, of the Madras Code, should be ascertained and collected in as summary a manner as in other parts of the territories under the Government of the East India Company, It is enacted as follows :—

I. All assessable lands not the property of the East India Company, within the limits of the Town of Madras, as defined in Section XII., Regulation II. of 1802, of the Madras Code, of which the rate of assessment is not known, or which have not heretofore been assessed, shall be assessed at the rates customarily charged upon lands of a similar description in the neighbourhood, according as they may be situated respectively within or without the walls of Black Town.

II. Lakiraj tenures of land in Madras, of which uninterrupted possession has been held under alleged grants, exempt or partially exempt from assessment for sixty years, shall be valid; no other lakiraj tenures of

of land in Madras shall be deemed valid, unless the same are or shall be held under an unexpired grant from the British Government.

III. The Collector of Madras shall determine the rate of assessment to be laid on assessable land under Section I. of this Act, with reference to the rate assessed upon other land of a similar description in the neighbourhood, subject to an appeal to the Board of Revenue, to be made within six months from the notification by the collector of the assessment fixed by him. The decision of the Board of Revenue upon such appeal shall be final.

IV. The Collector may order any assessable land, or land already assessed, or charged with a rent payable to the East India Company, to be measured, for the purpose of determining the amount of assessment to be imposed, or, in the case of land already assessed or charged with a rent, for the purpose of ascertaining whether the actual dimensions, and the dimensions upon which the amount of assessment or rent, was calculated, correspond.

V. Whenever, upon the measurement of any land under the preceding Section, it shall be found that the dimensions upon which the amount of assessment or rent was calculated exceed the actual dimensions, a proportionate abatement shall be made for the excess, on the demand of the party entitled to claim it.

VI. On the other hand, when the actual dimensions exceed the dimensions upon which the amount of assessment or rent was calculated, the excess shall be charged at the same rate as the rest of the land, the possession being left undisturbed. Provided that, when it shall appear that the excess has been caused by the surreptitious usurpation of ground belonging

belonging to another tenure, the act of the Collector in assessing it shall not prejudice the holder of such other tenure in any effort he may make to recover the ground usurped from it. An appeal shall lie to the Board of Revenue against any extra assessment or additional rent charged by the Collector for excess by measurement under this Section, if preferred within six months from the date of the Collector's order. Upon such appeal the decision of the Board of Revenue shall be final.

VII. If any owner of assessed land, or any person holding land subject to a rent payable to the East India Company, shall, upon the written demand of the Collector, refuse or neglect to pay any sum at which the land is assessed, or with which it is charged as rent, the Collector may levy the same by distress and sale of the goods and chattels, wherever found, of such owner or lessee; or, after written demand upon the tenant or occupier, and on his refusal or neglect to pay the sum lawfully demanded, by distress and sale of any goods and chattels found upon the land, in the manner appointed for regulating distresses for small rents in Calcutta by Act VII. of 1847, extended to Madras by Section 89, Act IX. of 1850, and for the purpose of any such distress and sale, the Collector shall have all the powers of a Judge of the Court of Small Causes under Section 89, Act IX. of 1850 aforesaid; and the Collector shall have power to appoint any of his Officers to perform the duties of Bailiffs and Appraisers, and of the Chief Clerk of the said Court, as provided by the said Act VII. of 1847, and all the provisions of the said Act relating to the Commissioners for the recovery of small debts and their Court, shall be deemed to apply to the said Collector and his Office in the execution of this Act.

VIII. In the case of payment by any tenant or occupier not holding immediately under the East India Company, or the seizure and sale of his

his property, he may deduct the amount of the payment or levy from the next payment of rent to his landlord.

IX. The claim of the East India Company for land revenue or rent has priority over all other claims upon the land, or to which property distrained upon the land may be liable.

X. If the Collector's claim for arrears of rent is disputed, the process of distraint and sale shall not be stayed, unless the amount claimed be lodged with the Collector.

XI. Arrears of rent or revenue due to the East India Company are recoverable within six years next after the same are due, or next after an acknowledgment of the same in writing has been given by the person by whom the same is payable, or his Agent, and not afterwards.

XII. When a claim to hold land lakiraj, or free of assessment, shall be set up under this Act, the Collector shall inquire into the claim; taking such evidence as the claimant may offer, or the public records supply; and shall report his proceedings in the case for the consideration of the Board of Revenue. If the Board of Revenue are satisfied of the validity of the claim, they shall make an order accordingly, and such order shall be final. If they are not satisfied of the validity of the claim, they shall direct the Collector to assess the land, leaving the claimant to contest the Collector's demand in the Civil Courts, as herein provided.

XIII. Any person obstructing or molesting the Collector, or any of his subordinate officers in the execution of their duty, shall, on conviction before a Magistrate of the Town of Madras, be liable to a fine not exceeding five hundred rupees, and, in default of payment, to imprisonment

prisonment in the common gaol for a term not exceeding six months, or until the fine is sooner paid.

XIV. The Collector may punish any contempt committed in his presence in open cutcherry or office, by fine not exceeding two hundred rupees, and, in default of payment, by imprisonment in the common gaol for a term not exceeding one month. From every such order of fine or imprisonment an appeal shall lie to the Board of Revenue, whose decision shall be final.

XV. The Collector shall act in the execution of this Act, under the usual control of the superior revenue authorities.

XVI. The ground rents payable to the East India Company from lands in Madras are revenue within the meaning of the Act of Parliament, 21 Geo. III. Cap. 70; and the Supreme Court of Judicature established by Royal Charter at Madras has not any civil jurisdiction concerning the said ground rents, or concerning any thing ordered or done in the assessment or collection thereof.

XVII. All actions concerning any trespass or injury committed by any revenue officer, acting under colour of this Act, or concerning any claim in respect of any goods taken by, or any monies paid to, any revenue officer under this Act, or concerning any claim of rent or revenue on the part of the East India Company under this Act, shall be tried and determined in the Civil Courts established by the East India Company, in the Zillah of Chingleput, notwithstanding that the cause of action in respect of which such action is brought, arose, or the defendant therein reside, within the limits of the Town of Madras, and every such

such action shall be brought within six months after the cause of action arose, and not afterwards.

XVIII. The words "Collector" and "Board of Revenue" used in this Act, shall be taken to mean any person or persons lawfully appointed to exercise the powers vested in the Collector and Board of Revenue respectively under this Act.

Calcutta, 1851 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XIII. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council, on the 21st November 1851, with the assent of the Most Noble the Governor General of India.

An Act to amend Act No. V. of 1851.

WHEREAS by Section III. of Act No. V. of 1851, it was, among other things, enacted, that the Accountant General of Bengal was authorized and required from time to time, to direct the Sub-Treasurer to pay, and the Sub-Treasurer should thereupon pay out of the monies of the East India Company in his custody, such sums as would be sufficient to pay off and discharge to such persons as should appear to be entitled thereunto as the lawful representatives of the Intestates and others named in the Schedules A. B. C. D. annexed to the Report therein mentioned, the several principal sums of money which, upon the final adjustment of the accounts of their several claims and estates, should appear to have been due to them respectively from Sir Thomas Turton, on the 25th day of February 1848, and to be then still due and unsatisfied: And whereas the Court of Directors of the East India Company, acting in pursuance of the power and authority to them given and reserved by the 44th Section of an Act of Parliament, passed in the 4th year of the reign of his late Majesty King William the Fourth, entituled "an Act for effecting

"an

" an arrangement with the East India Company, and for the better " government of His Majesty's Indian Territories till the 30th day of " April 1854," have signified to the Governor General in Council their disallowance of so much of the said third Section of Act No. V. of 1851, hereinbefore recited, as relates to the payment and discharge to the lawful representatives of the Intestates and others named in the said Schedules B. and D. of the several principal sums of money therein mentioned; It is enacted as follows:

I. So much of the 3rd Section of Act No. V. of 1851, hereinbefore recited, as relates to the payment and discharge to the lawful representatives of the Intestates and others named in the said Schedules B. and D. of the several principal sums of money therein mentioned, is hereby repealed.

Calcutta, 1851 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XIV. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 21st November 1851, with the assent of the Most Noble the Governor General of India.

An Act for consolidating the laws for collecting a Revenue of Excise on Spirituous Liquors and Intoxicating Drugs in the Settlement of Prince of Wales' Island, Singapore and Malacca.

WHEREAS it is expedient to make better provision for the collection of a Revenue of Excise upon Opium, Chandoo, Toddy and Bang, Arrack and Spirits, and the granting of Excise Licences for the sale of the said Articles by retail within the Settlement of Prince of Wales' Island, Singapore and Malacca, It is enacted as follows:

I. Regulations II., IV., and V. of 1830, passed by the Governor of Prince of Wales' Island, Singapore and Malacca in Council, Regulation IV. of 1831 and Act No. V. of 1839, passed by the President of the Council of India in Council, and Regulation X. of 1833, passed by the Governor General of India in Council, are repealed.

II. The exclusive right of making Chandoo or other preparation of Opium for smoking, and of retailing Chandoo, or Opium in smaller quantities than one chest; and the exclusive right of retailing Spirituous

Liquors and Arrack in less quantities than One Hundred and Sixty Gallons, and of making and distilling Arrack and Spirituous Liquors; and the exclusive right of selling Toddy and Bang within the Settlement of Prince of Wales' Island, Singapore and Malacca, shall be vested, from time to time, in such persons as the Governor, or other Chief Civil Authority of the said Settlement, or such public Officer by him thereto authorized, may license for that purpose, on such conditions as may be determined, either by public or private sale of such exclusive rights.

III. Any person in whom the exclusive right of making Chandoo or other preparation of Opium for smoking, and of retailing Opium in smaller quantities than one chest shall be vested, shall be called the "*Opium Farmer* of Prince of Wales' Island, or of Singapore, or of Malacca, as the case may be;" and the person in whom the exclusive right of retailing Spirituous Liquors and Arrack in less quantities than One Hundred and Sixty Gallons, and of making and distilling Arrack and Spirituous Liquors shall be vested, shall be called the "*Spirit Farmer* of Prince of Wales' Island, or of Singapore, or of Malacca, as the case may be;" and the person in whom the exclusive right of selling Toddy and Bang shall be vested, shall be called the "*Toddy Farmer* of Prince of Wales' Island, or of Singapore, or of Malacca, as the case may be."

IV. The number of Houses or Shops to be severally registered under this Act for the retailing, or smoking of Chandoo or prepared Opium, and for retailing Spirituous Liquors and Arrack, and for the retail of Toddy or Bang, within the said Settlement and places, shall be determined, from time to time, by the Governor or other Chief Civil Authority of the said Settlement, or by such public Officer or Officers as he may authorize for that purpose; and the said Houses or Shops shall, as regards their situation and hours for opening and closing, be subject

to such Rules and penalties as the said Governor or other Chief Civil Authority shall, from time to time, make in that behalf.

V. The Superintendent of Police at each of the Stations of Prince of Wales' Island, Singapore, and Malacca, shall grant to the keeper of every such House or Shop a Licence, which shall contain the name of the keeper or keepers, and the situation of the House or Shop, and shall be registered in the Police Office of the Station in which the same shall be granted; for which grant and registration the following Fees shall be paid, that is to say, for an Opium House, Three Dollars; for a Tavern, Five Dollars; for an Eating House or Spirit Shop, Three Dollars; for a Toddy Shop, Two Dollars; and every such Licence may be recalled and cancelled by the Superintendent of Police with the sanction of the Chief Local Authority as occasion shall appear to him to require: and every person who shall open or keep such House or Shop, without having first obtained and registered such Licence, shall forfeit a penalty not exceeding Fifty Dollars.

VI. Every Farmer under this Act, and every keeper of any House or Shop registered under this Act, who shall sell or exchange Opium, prepared or unprepared, Spirituous Liquor or Arrack, Toddy or Bang, otherwise than for the Coin usually current within the said Settlement, shall forfeit a penalty not exceeding Twenty-five Dollars.

VII. Every person within the said Settlement, who shall deliver to any servant or labourer any Opium prepared or unprepared, Spirituous Liquor or Arrack, Toddy or Bang, in consideration of wages or hire due to such servant or labourer, or on any account whatsoever, shall forfeit a penalty not exceeding Fifty Dollars.

VIII. Every

VIII. Every keeper of any House or Shop registered under this Act, who shall allow any person to gamble therein, or in whose House any person shall be found gambling, shall forfeit a penalty not exceeding Twenty-five Dollars.

IX. Every keeper of any House or Shop registered under this Act, who shall knowingly allow any person to be therein, with any kind of Arms or offensive Weapon upon his person, shall forfeit a penalty not exceeding Fifty Dollars.

X. Every person, other than the Opium Farmer of the Station, who shall make Chandoo or any other preparation of Opium for smoking within the said Settlement, or who shall import thereto any Chandoo or Opium prepared elsewhere for smoking, or who shall sell or offer for sale or purchase, or who shall knowingly have or receive into his or her possession any such Chandoo or other preparation of Opium for smoking, shall forfeit, for the first offence, a penalty not exceeding One Hundred Dollars; for the second offence, shall forfeit a penalty not exceeding Two Hundred Dollars; and for every subsequent offence, forfeit a penalty not exceeding Four Hundred Dollars: and all such contraband Chandoo or other preparation of Opium, and the receptacles in which the same is contained, and all vessels and utensils, which have been, or are plainly intended to be used in making Chandoo or any other preparation of Opium, shall be seized and forfeited.

XI. Every person, other than the Opium Farmer, who shall sell or offer for sale, and also every person who shall buy from any person other than the Opium Farmer any quantity of raw Opium less than one chest, save for exportation, shall forfeit, for the first offence, a penalty not exceeding One Hundred Dollars; for the second offence, forfeit a penalty not exceeding Two Hundred Dollars; and for every subsequent offence, forfeit

forfeit a penalty not exceeding Four Hundred Dollars: and all such raw Opium shall be seized and forfeited.

XII. The foregoing provisions of this Act shall not apply to the sale of Opium for Medicinal purposes by recognized Medical Practitioners, Chemists and Druggists.

XIII. Every person who shall import into the said Settlement any raw Opium in less quantity than one chest, or have in his possession, custody or control, any raw Opium in less quantity than one chest, unless for the purpose of being exported, shall forfeit a penalty not exceeding Four Hundred Dollars: and all such raw Opium so imported or found shall be seized and forfeited.

XIV. Every person arriving in any vessel at any of the Ports or Harbours of the said Settlement, who may have on board any Chandoo, or other preparation of Opium, or any raw Opium, in less quantity than one chest, shall, within twenty-four hours after such vessel shall have come to anchor, give notice thereof to the Opium Farmer, and shall apply to the Registrar of Imports and Exports, or his Deputy, for a permit to land or deposit the said Opium, Chandoo, or other preparation of Opium in his Office, and on obtaining such permit shall forthwith land, and so deposit the same, where it shall remain till re-exported, unless the same shall be sold to the Opium Farmer. Any person having on board such Opium, Chandoo, or other preparation of Opium, as above described, and failing to give notice, or otherwise not complying with the provisions of this Section, shall forfeit a penalty not exceeding Two Hundred Dollars, and the Opium, Chandoo or other preparation of Opium shall be seized and forfeited.

XV. Every person, other than the Opium Farmer, who shall export any Opium by land, from the said Settlement, shall forfeit a penalty

not exceeding Four Hundred Dollars: and the Opium and vessels and conveyances in which it is contained, shall be seized and forfeited.

XVI. Every person, who shall be desirous of exporting by Sea, or of selling for exportation by Sea, raw Opium, in any quantity less than one chest, shall deposit a chest containing the customary quantity in the Office of the Registrar of Imports and Exports; and whenever such person shall apply for any portion of such Opium to be delivered to him or to any purchaser thereof for exportation, he shall deliver to the Registrar of Imports and Exports, or his Deputy, a written Bill of Entry in duplicate, expressing the quantity of Opium that is to be exported, and the name of the person who is about to export the same, and of the vessel, and of the master, and of the place to which the same is to be exported, and having also, in case the Opium mentioned therein is to be sold for exportation, the name of the purchaser written on the back thereof; and the said Registrar, or his Deputy, shall thereupon cause the quantity of Opium specified in the Bill of Entry to be taken out of such chest and delivered to the person who is to export the same, and shall deliver to such person one of the copies of such Bill of Entry, signed by the said Registrar or his Deputy, and having the hour upon which the same shall be so delivered marked thereon; and the Bill of Entry so signed shall be the Exporter's Permit to export the said Opium; and such chest shall remain in the custody of the said Registrar or his Deputy, until all the Opium contained therein shall have been exported or sold, when the chest shall be destroyed: and every person, who shall commit a breach of any of the provisions contained in this Section, shall forfeit a penalty not exceeding One Hundred Dollars.

XVII. Every person who shall receive any such Permit as aforesaid, for the exportation by Sea of any quantity of Opium less than one chest, and who shall not, upon receiving the same, forthwith cause such

Opium

Opium to be conveyed to and placed on board of the vessel mentioned in such Permit, shall forfeit a penalty not exceeding Fifty Dollars, and the Opium, and the vessels and conveyances in which it is contained, shall be seized and forfeited.

XVIII. Every person, not thereunto authorized under this Act, who shall make Chandoo or other preparation of Opium for smoking on board of any vessel anchored or being within the limits of the jurisdiction of the Court of Judicature of the said Settlement, or in whose possession any such Chandoo or prepared Opium shall be found on board of such vessel, shall forfeit a penalty not exceeding One Hundred Dollars, and all such Chandoo or prepared Opium so made or found, shall be seized and forfeited.

XIX. Every person, who shall sell or buy or have in his possession save for the purpose of exportation under Section XVI. of this Act, on board any vessel anchored, or being within the limits of the jurisdiction aforesaid, any raw Opium in a less quantity than one chest, shall forfeit a penalty not exceeding One Hundred Dollars: and all such raw Opium so sold or bought, shall be seized and forfeited.

XX. Any Justice of the Peace within the said Settlement, upon the information upon oath of any person, that he has good cause to believe that there is on board of any vessel anchored, or being within the limits of the jurisdiction aforesaid, any contraband Opium or Chandoo or raw Opium, may issue his Warrant, in the form of Schedule (A) to this Act annexed, or to the like effect, authorizing the Opium Farmer, or any Revenue Officer duly appointed under this Act, or any Peace Officer to go on board of such vessel, and to make search for, and to seize such Opium or Chandoo, and to bring the offender or offenders in whose possession, custody or control the said Contraband Opium or Chandoo or

raw

raw Opium shall be found before a Justice of the Peace, to be dealt with according to this Act.

XXI. Every person, other than the Opium Farmer or keeper of a registered Opium Shop, who shall sell Tye-Chandoo or Opium-Dross mixed with Opium, shall, for the first offence, forfeit a penalty not exceeding One Hundred Dollars; for the second offence, shall forfeit a penalty not exceeding Two Hundred Dollars; and for every subsequent offence, shall forfeit a penalty not exceeding Four Hundred Dollars.

XXII. Every keeper of a Registered Opium Shop who shall sell, or have in his possession, any Opium or Chandoo other than such as shall have been bought from the Opium Farmer, shall, for every such offence, forfeit a penalty not exceeding One Hundred Dollars.

XXIII. Every person, other than the Spirit Farmer of the Station, who shall import into the said Settlements any Spirituous Liquor or Arrack, shall, before landing such Spirituous Liquor or Arrack, or any part thereof, deliver to the Spirit Farmer, a Bill in which shall be specified the name of the vessel, the quantity and kind of the Liquor, and the place where the same is intended to be stored; and, if such Liquor is intended to be used or consumed in the House of the Importer, he shall, at the same time, pay or secure to the Spirit Farmer, the sum of Fifty Cents for every gallon of such Liquor, or if in bottles, the sum of Fifty Cents for every four quart bottles, and a proportionate rate for any quantity less than one gallon, or less than four quart bottles so to be landed; and the Spirit Farmer shall thereupon in either case, if the application is made between the hours of six in the morning and six in the evening, deliver to such person a written Permit to land the same; and every person who shall land any such Liquor without having first delivered such Bill, and paid or tendered such sum when payable, and also every

Spirit

Spirit Farmer, who shall refuse to give such Permit without good cause shown, shall, for every such offence, forfeit a penalty not exceeding One Hundred Dollars, and all such Liquor, landed contrary to the provisions of this Section, and the vessels and conveyances in which the same is contained, shall be seized and forfeited.

XXIV. Every person, other than the Spirit Farmer, or a person duly licensed as hereinafter mentioned, who shall sell within the Settlement of Prince of Wales' Island, Singapore and Malacca, otherwise than for exportation, any Spirituous Liquor or Arrack in a less quantity than One Hundred any Sixty Imperial Gallons, or, if sold in bottles, in a less quantity than fifty dozens of quart bottles, without first tendering and paying to the Spirit Farmer a sum of Fifty Cents for every Gallon, or for every four quart bottles of such Spirituous Liquor or Arrack, and a proportionate rate for any quantity less than one Gallon, or less than four quart bottles, shall forfeit a penalty not exceeding One Hundred Dollars and all such Spirituous Liquor or Arrack, and the Vessels in which the same is contained, shall be seized and forfeited.

XXV. Every person, other than the Spirit Farmer, who shall remove or cause to be removed any Spirituous Liquor or Arrack from one House, Shop, Godown or other Building to another, or from the possession of one person to that of another, without having first obtained from the Spirit Farmer a written Permit, hereinafter described, to remove the same, shall forfeit a penalty not exceeding Fifty Dollars: and all such Spirituous Liquor or Arrack so removed, and the Vessels in which the same is contained, shall be seized and forfeited.

XXVI. The Spirit Farmer shall, on the application of any person, (if made between the hours of six in the morning and six in the evening,) grant a written Permit for the removal of any Spirituous Liquor or

Arrack (provided the same be not sold contrary to the provisions of this Act,) which Permit shall describe the quantity and kind of Liquor required to be removed, and the name of the person about to remove the same, and the places from and to which the same is to be removed, and the time during which such Permit is in force: and every Spirit Farmer who shall, without good cause shown, refuse to grant such Permit, shall forfeit a penalty not exceeding One Hundred Dollars.

XXVII. The Spirit Farmer may enter the Warehouse, Godowns or Premises of any person wherein are kept any Spirituous Liquors or Arrack not contained in bottles, and take an account of the quantity of such Liquors, and notice any leakage of the same, and gauge, and otherwise examine the same, at any time between the hours of eight in the morning and five in the evening, upon obtaining a Warrant so to do, under the hand of any Justice of the Peace, which Warrant such Justice is authorized to grant whenever he shall see cause so to do.

XXVIII. The keepers of all Taverns duly registered under this Act may sell to the inmates, customers, or frequenters thereof, Spirituous Liquors, so that the same be drunk within such Taverns; and every keeper of any such registered Tavern who shall sell any Spirituous Liquor otherwise than is herein provided, shall forfeit a penalty not exceeding Fifty Dollars.

XXIX. Every keeper of any Eating House or Spirit Shop registered under this Act, who shall serve, supply or sell to the customers, inmates, or frequenters thereof, any Spirituous Liquor or Arrack, other than such as shall have been bought by him from the Spirit Farmer, shall, for every such offence, forfeit a penalty not exceeding Fifty Dollars.

XXX. Every Spirit Farmer, and also every keeper of a registered Eating House or Spirit Shop, who shall knowingly sell or deliver to any European

European or Native Soldier any Spirituous Liquor or Arrack, without having an authority in writing so to do from the Commanding Officer of such Soldier, shall, for every such offence, forfeit a penalty not exceeding Fifty Dollars.

XXXI. Every Spirit Farmer, or other person, who shall sell or offer for sale any adulterated Spirits or Spirits distilled from Neepa, shall forfeit for every such offence, a penalty not exceeding Four Hundred Dollars.

XXXII. From the passing of this Act, whoever, being a Manufacturer of Sugar in the said Settlements, shall be desirous of having a Distillery at his Sugar Manufactory, for making, or distilling, or rectifying, or compounding Spirits or Arrack, shall apply in writing to the Superintendent of Police of the Station or place within which such Sugar Manufactory is situated, for a Licence, and in such application shall be inserted the name of the applicant, the situation of his Manufactory, and the number and size of the Stills he is desirous of keeping; and the Superintendent of Police shall grant such Licence, renewable every year under his hand and seal, to the applicant, on payment of a fee of Ten Dollars, and such Licence shall be registered in the Police Office of such Station or place.

XXXIII. No licensed Distiller shall be at liberty to sell to any person other than the Spirit Farmer, or to sell, send out of, or deliver from his Distillery, for exportation, any Spirits or Arrack in a less quantity than One Hundred and Sixty Imperial Gallons, or, if in bottles, in a less quantity than fifty dozens of quart bottles; and every licensed Distiller who shall sell, send out, or deliver from his Distillery, any Spirits or Arrack, (except as aforesaid,) shall, for every such offence, forfeit a penalty

penalty not exceeding One Hundred Dollars: and all such Spirituous Liquors or Arrack, and the vessels in which the same are contained, shall be seized and forfeited.

XXXIV. Every person, other than the Spirit Farmer or a licensed Distiller, who shall make, or distil, or rectify, or compound, any Spirits or Arrack, or shall keep or have in his possession any Still or other Utensil or Apparatus, for distilling, or making, or rectifying, or compounding, Spirits or Arrack, shall, for every such offence, forfeit a penalty not exceeding One Hundred Dollars: and all such Spirits or Arrack, and every such Still or other Utensil or Apparatus, shall be seized and forfeited, but nothing contained in this or any other Section shall be construed to extend to distillations for medical or scientific purposes.

XXXV. Every person, other than the Spirit Farmer, who shall make or distil Samsoo or Spirits distilled from Rice, in the said Settlements, or who shall keep or have in his possession any Still or other Utensil or Apparatus for distilling or making Samsoo, shall forfeit a penalty not exceeding One Hundred Dollars: and all such Samsoo, and every such Still or other Utensil or Apparatus, shall be seized and forfeited.

XXXVI. No person shall land Samsoo, or Spirits distilled from Rice, in any part of the said Settlements, except for the purpose of selling the same to the Spirit Farmer; and every person who shall land any Samsoo in any part of the said Settlements, except for the purpose of selling the same to the Spirit Farmer, and also every person, who shall sell any Samsoo to any person other than the Spirit Farmer, shall forfeit a penalty not exceeding One Hundred Dollars: and all such Samsoo and the vessels in which the same is contained, shall be seized and forfeited.

XXXVII. All

XXXVII. All Spirituous Liquor or Arrack imported, landed, removed in, or exported from any part of the said Settlements on account of Her Majesty's Government, or the Government of the East India Company, is exempt from the operation of this Act.

XXXVIII. Every Owner, Renter, or Occupier of any land which produces Toddy or Bang, and also every other person, other than the Toddy Farmer and the keepers of the registered Toddy Shops, who shall sell any Toddy or Bang within the said Settlements to any person other than to the Toddy Farmer, shall forfeit a penalty not exceeding One Hundred Dollars, and all such Toddy or Bang shall be seized and forfeited; but this enactment shall not be deemed to forbid Bakers from using in their Bread Toddy, the produce of their own Estate or Plantation.

XXXIX. Every person, other than the Owners, Renters, or Occupiers of lands which produce Toddy or Bang, who shall have in his possession any Toddy or Bang, unless the same shall be duly proved to have been bought from the Toddy Farmer, or from the keeper of a registered Toddy Shop hereinafter mentioned, shall forfeit a penalty not exceeding Fifty Dollars: and all such Toddy or Bang, and the vessels in which the same is contained, shall be seized and forfeited.

XL. Every keeper of a registered Toddy Shop, who shall sell to any person, or shall have in his possession any Toddy or Bang, unless the same shall be duly proved to have been bought from the Toddy Farmer, shall forfeit a penalty not exceeding Fifty Dollars: and all such Toddy or Bang, and the vessels in which the same is contained, shall be seized and forfeited.

XLI. Every

XLI. Every Toddy Farmer and keeper of a registered Toddy Shop who shall knowingly sell or deliver any Toddy or Bang to any European or Native Soldier, without having an authority in writing from the Commanding Officer of such Soldier, shall forfeit a penalty not exceeding Fifty Dollars.

XLII. All Fees received for registering Licences to keep Opium Shops under this Act, shall be paid to the Opium Farmer for the time being: and all Fees received for registering Licences to keep Spirit Shops and Distilleries under this Act, shall be paid to the Spirit Farmer for the time being; and all Fees received for registering Licences to keep Toddy Shops for the sale of Toddy and Bang under this Act, shall be paid to the Toddy Farmer for the time being; and all other Fines, Penalties or forfeitures whatsoever, received under this Act, shall, after the adjudication at the discretion of the Magistrate of a portion of such fines and penalties to the informer, be paid into the Municipal Fund, established under Act No. IX. of 1848, or that may be established by any future Act, of the station at which such Fines, Penalties or Forfeitures shall be imposed, to be applied to the general purposes of the said Act.

XLIII. Any Justice of the Peace within the said Settlement may, by his Warrant, in the form of Schedule B. to this Act annexed, or to the like effect, directed to any Peace Officer or Officers within the said Settlement, or to any Revenue Officer or Officers appointed in manner hereinafter mentioned, empower him or them by day or by night (but if between the hours of six o'clock at night and six in the following morning, then such Warrant to be addressed to and executed by, or in the presence of a Peace Officer) to enter and search any Dwelling-house, Shop, or other Building, in any case in which there shall appear to such

Justice

Justice of the Peace, upon the oath of any party, good and sufficient cause to believe that in any such Dwelling-house, Shop, or other Building is concealed or deposited any article subject to forfeiture under this Act, and to seize and take possession of any such article found to be concealed or deposited therein: and to arrest and take any person, or persons, being in such Dwelling-house, Shop or Building, in whose possession, custody or control any such article may be found, or whom the said Officer, or Officers may have good and sufficient reason to suspect had concealed or deposited therein any such article, and any Officer to whom such Warrant shall be directed may, in case of resistance, break open any door of such Dwelling-house, Shop or other Building, and remove by force any other obstruction to such entry, search, seizure and removal as aforesaid.

XLIV. If any person shall be found committing any act in breach of this Act, or if any Peace or Revenue Officer shall have probable cause to believe that any person has concealed upon his person any article subject to forfeiture under this Act, such Peace or Revenue Officer may immediately arrest such person without a Warrant, and shall thereupon immediately take such person before some neighbouring Justice of the Peace, who shall determine if there be reasonable grounds of suspicion, and such Justice may direct such person to be immediately searched: and every person who shall obstruct any such Officer in making any such arrest as aforesaid, and also every Officer who shall not immediately take any person so arrested before a Justice of the Peace, shall forfeit a penalty not exceeding Fifty Dollars.

XLV. Every Peace or Revenue Officer who shall maliciously and without reasonable grounds arrest or detain any person on the plea that such

such person hath infringed any of the provisions of this Act, shall forfeit a penalty not exceeding Fifty Dollars.

XLVI. No Revenue Officer shall be competent to act under the provisions of this Act, unless he shall be appointed specially so to do in writing by the Governor or other Chief Civil Authority of the Station in which such Revenue Officer is required to act, which authority shall be duly registered at the Police Office of such Station, and shall be liable to be annulled at the pleasure of the said Governor or other Chief Civil Authority.

XLVII. Any Farmer named in this Act who shall either by himself, or by the means of any other person, take from any person who may have committed, or be suspected of having committed a breach of any of the provisions of this Act, any sum of money, or any goods or chattels whatsoever, as a compromise, reward or payment for not prosecuting such person for such offence under this Act, shall forfeit a penalty not exceeding Two Hundred Dollars, a moiety of which may, at the discretion of the Magistrate, be adjudged to the informer.

XLVIII. All penalties under this Act may be imposed on conviction of the offence by confession of the offender, or by the oath of one or more witnesses before two Justices of the Peace, and in case of non-payment of any Penalty imposed or forfeited under this Act, the convicting Justices may issue their Warrant of Distress in the form of Schedule C. to this Act annexed, or to the like effect, under their hands and seals, directed to any Peace Officer or Officers to levy the amount of such Penalty by seizure and sale of any Goods of the offender which may be found within the jurisdiction of such Justices; and if no such property shall be found within such jurisdiction, then the aforesaid Justices,

Justices, by Warrant under their hands and seals, in the form of Schedule D. to this Act annexed, or to the like effect, may commit the offender to prison, with or without hard labour, for any period not exceeding two calendar months, where a pecuniary penalty of Twenty-five Dollars can be imposed, and in the same proportion for any greater penalty which can be imposed. Provided always that in case it shall appear to such Justices by the confession of the offender, or in any other manner, that he has no goods whereon to levy such distress, then and in every such case it shall be lawful for such Justices, if they shall deem it fit, instead of issuing such Warrant of Distress, by Warrant under their hands and seals in the form of Schedule E. to this Act annexed, or to the like effect, to commit the offender to prison, with or without hard labor, for any period not exceeding two calendar months, where a pecuniary penalty of Twenty-five Dollars can be imposed, and in the same proportion for any greater penalty which can be imposed. Provided always that in no case shall the term of imprisonment exceed two years.

XLIX. All convictions under this Act may be in the form of Schedule F. to this Act annexed, or to the like effect, and no conviction shall be quashed or set aside for want of form, or be removed by Certiorari or otherwise into Her Majesty's Superior Court of Record, and no conviction shall be quashed or set aside except for error of law apparent upon the face of such conviction, and no Warrant of Commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a valid conviction as aforesaid to sustain the same.

L. In all Sections of this Act in which the Stations of Prince of Wales' Island, Singapore or Malacca, or any or either of them are

 inserted,

inserted, all places attached to, or dependent on the said Stations respectively shall be taken to be included.

LI. This Act shall commence and take effect from and after the 1st day of May 1852.

SCHEDULE A.

Form of Search Warrant under Section XX.

Prince of Wales' Island. To the Opium Farmer or any Revenue Officer duly appointed under the Act XIV. of 1851, or any Peace Officer.

Whereas it appears to me *A. B.*, one of Her Majesty's Justices of the Peace for the said *Settlement*, by the information on Oath of *C. D.* of that he hath good cause to believe and doth believe that there is on board the Vessel *Inconstant* anchored, or being within the limits of the jurisdiction of this *Settlement*, *Contraband Opium*, *Chandoo or Opium*. These are, therefore, in the name of our said Lady the Queen, to authorize and require you, with necessary and proper Assistants, to go on board and enter in the day time into the said Vessel, and there diligently to search for the said *Contraband Opium*, *Chandoo or raw Opium*, and if the same shall be found upon such search, that you bring the said *Contraband Opium*, *Chandoo or raw Opium* and also the body or bodies of the offender or offenders, in whose possession, custody or control the said *Contraband Opium*, *Chandoo or raw Opium* shall be found, before me or some other Justice of our said Lady the Queen, assigned to keep the peace in this *Settlement* to be disposed of and dealt with according to law. Given under my hand and seal, at *Prince of Wales' Island*, the 1*st* day of *June* in the year 1852.

(Sd.) *A. B.*
Justice of the Peace.

(The words, letters and figures in Italics, in this Schedule, to be filled up according as the case may be, and the blank space therein, with the description of the informant.)

SCHEDULE B.

Form of Search Warrant under Section XLIII.

Prince of Wales' Island. To the Peace Officer or Officers within this Settlement, or to the Revenue Officer or Officers appointed according to the provisions of XLVI. Section of Act XIV. of 1851.

Whereas

ACT No. XIV. OF 1851.

Whereas it appears to me *A. B.*, one of Her Majesty's Justices of the Peace for the said *Settlement*, by the information on Oath of *C. D.* of that he has good cause to believe and doth believe that Articles, subject to forfeiture under the provisions of Act XIV. of 1851 are concealed or deposited in the *Dwelling House, Shop or other Building* of *E. F.* of in the said *Settlement.* These are, therefore, in the name of our said Lady the Queen, to authorize and require you, with necessary and proper assistants, to enter in the day time into the said *Dwelling House, Shop or other Building* of the said *E. F.*, and there diligently to search for the said articles, and also to authorize and require you, if a Peace Officer, and if not, in the presence of a Peace Officer to enter in the night time (that is to say, at any time between the hours of 6 o'Clock in the evening and 6 in the following morning) into the said *Dwelling House, Shop or other Building* of the said *E. F.*, and there diligently to search for the said articles, and if the same shall be found upon such search, that you seize and take possession of the said articles so found, and also the body or bodies of any person or persons being in the said *Dwelling House, Shop or other Building*, in whose possession custody or control any such articles may be found, or whom you may have good and sufficient reason to suspect had concealed or deposited therein any such article, before me the said *A. B.* or some other of the Justices of our said Lady the Queen assigned to keep the peace in the Settlement aforesaid, to be disposed of and dealt with according to law. Given under my hand and seal, at *Prince of Wales' Island*, the 1*st* day of *June* in the year 1852.

(Sd.) *A. B.*,
Justice of the Peace.

(The words, letters and figures in Italics, in this Schedule, to be filled up according as the case may be, and the first blank space therein with the description of the informant and the second blank space therein with the description of the party whose house, shop or building is to be searched).

SCHEDULE C.

Form of Distress Warrant.

Prince of Wales' Island. To the Peace Officers, or to any Peace Officer of the said *Settlement.*

Whereas *A. B.* of has been on the 1*st* day of *June* 1852, duly convicted before us, *C. D.* and *E. F.*, two of Her Majesty's Justices of the Peace for the said

said *Settlement* of the offence of against the form of the Act XIV. of 1851 in that case made and provided, and was thereupon adjudged by us that he the said *A. B.* had forfeited the sum of Dollars for the offence aforesaid, and whereas the said *A. B.* being required to pay the said sum hath not paid the same, but therein has made default. These are to command you to distrain the Goods and Chattels of the said *A. B.*, which may be found within this *Settlement*, to the amount of the said sum and such further sum as may be sufficient to defray the charges of making such distress, and if within five days next after such distress the said sum, together with the reasonable charges for taking and keeping the said distress, shall not be paid, to sell the said Goods and Chattels, and having paid out of the money arising by such sale the said sum of Dollars to us to be applied according to the provisions of the said Act XIV. of 1851, and having deducted the necessary charges of taking, keeping and selling the said distress, to return the overplus, if any, on demand to the person whom you shall find in possession of the said Goods and Chattels, and if no such distress can be made that then you Certify the same unto us to the end that such further proceedings may be had thereon as to the law doth appertain. Given under our hands and seals, this 2*nd* day of *June* 1852.

C. D.,
E. F.,
Justices of the Peace.

(The words, letters and figures in Italics, in this Schedule, to be filled up according as the case may be, and the first blank space therein with the description of the party convicted, the second blank space therein with a Statement of the offence committed, and the third and fourth blank spaces therein with the amount of Dollars forfeited.)

SCHEDULE D.

Form of Commitment.

Prince of Wales' Island.

To the Peace Officers, or any Peace Officer and the Keeper of the Prison of the said *Settlement.*

Whereas *A. B.* of was, on the 1*st* day of *June* 1852, duly convicted before us *C. D.* and *E. F.* two of the Justices of the Peace for the said *Settlement* of the offence of against the form of Act XIV. of 1851 in that case made and provided, and was thereupon adjudged by us that he the said *A. B.* had forfeited

forfeited the sum of Dollars for the offence aforesaid, to be commuted in case of non-payment of the said sum to imprisonment for *with hard labour*. And whereas we have issued a Distress Warrant to levy the amount of the said sum by seizure and sale of the Goods and Chattels of the said *A. B.* within our jurisdiction, and no Goods and Chattels of the said *A. B.* have been found within such jurisdiction, and the said *A. B.* had not yet paid the said sum, but therein had made default. These are, therefore, to command you, the said Peace Officers or Peace Officer, to take the said *A. B.* and him safely to convey to the prison of the said *Settlement*, and there to deliver him to the said Keeper thereof together with this precept. And we do hereby command you, the said Keeper of the said Prison, to receive the said *A. B.* into the said Prison there, to imprison him *with hard labour* for the space of Given under our hands and seals, at *Prince of Wales' Island*, this 3*rd* day of *June* 1852.

C. D.,
E. F.,
Justices of the Peace.

(The words, letters and figures in Italics, in this Schedule, are to be filled in according as the case may be, and the first blank space therein with the description of the party committed, the second blank space therein with a Statement of the offence, and the third blank space therein with the amount of Dollars forfeited, and the fourth blank space therein with the period of imprisonment.)

SCHEDULE E.

Form of Commitment when it appears that the offender has no Goods whereon to levy a distress.

Prince of Wales' Island. To the Peace Officers, or any Peace Officer and the Keeper of the Prison of the said *Settlement.*

Whereas *A. B.* of was on the 1*st* day of *June* 1852, duly convicted before us *C. D.* and *E. F.* two of Her Majesty's Justices of the Peace for the said *Settlement* of the offence of against the form of Act XIV. of 1851 in that case made and provided, and was thereupon adjudged by us that he the said *A. B.* had forfeited the sum of Dollars for the offence aforesaid, to be commuted in case of non-payment of the said sum to imprisonment for *with hard labour*, and whereas the said *A. B.* hath not paid the said sum, but therein hath made default, and it appears to us that the said *A. B.* has no Goods or Chattels whereon to

levy a distress. These are, therefore, to command you, the said Peace Officers or Peace Officer, to take the said *A. B.* and him safely to convey to the Prison of the said *Settlement*, and there to deliver him to the said Keeper thereof together with this precept, and we do hereby command you, the said Keeper of the said Prison, to receive the said *A. B.* into the said Prison, there to imprison him *with hard labour* for the space of

Given under our hands and seals, at *Prince of Wales' Island*, on the said 1*st* day of *June* 1852.

C. D.,
E. F.,
Justices of the Peace.

(The words, letters and figures in Italics, in this Schedule, are to be filled in according as the case may be, and the first blank space therein with the description of the party committed, the second blank space therein with a statement of the offence committed, the third blank space therein with the amount of Dollars forfeited, and the fourth and fifth blank spaces therein with the period of imprisonment.)

SCHEDULE F.

Form of Conviction.

Be it remembered that, on the 1*st* day of *June* in the year 1852, *A. B.* is found guilty before us *C. D.* and *E. F.*, two of the Justices of the Peace for the said *Settlement*, of the offence of

Prince of Wales' Island, to wit.

against the form of the Act XIV. of 1851 in that case made and provided, and we do hereby convict him of the offence aforesaid, and do adjudge that he the said *A. B.* hath forfeited the sum of Dollars for the offence aforesaid, to be commuted in case of non-payment of the said sum to imprisonment for *with hard labour*. Given under our hands and seals, at *Prince of Wales' Island*, the day and year first mentioned.

C. D.,
E. F.,
Justices of the Peace.

(The words, letters and figures in Italics, in this Schedule, to be filled in according as the case may be, and the first blank space therein with a Statement of the offence, the second blank space therein with the amount of Dollars forfeited, and the third blank space therein with the period of imprisonment.)

Calcutta, 1851:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XV. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council, on the 21st November 1851, with the assent of the Most Noble the Governor General of India.

An Act for the better suppression of frauds in respect of Cotton in Bombay.

For the better suppression of fraudulent practices in the Cotton Trade in Bombay, It is enacted as follows:

I. Any person who, in the Islands of Bombay or Colaba, shall fraudulently mix Cotton of a good and bad description or quality in one bale, usually termed false packing, shall be deemed guilty of a misdemeanour.

II. Any person who, in the Islands of Bombay or Colaba, shall fraudulently deteriorate Cotton by exposing it by night to heavy dews, or by putting with it uncleaned Cotton, commonly called Kuppas, or by means of dirt, stones, earth, water, or any other substance, or liquid, or who shall in any other way fraudulently deteriorate it with the view of making it heavier, and packing it in that state, shall be deemed guilty of a misdemeanour.

III. Any

III. Any person who, in the Islands of Bombay or Colaba, shall fraudulently sell or offer for sale under false sample, or otherwise, any Cotton mixed, or adulterated, as in the first and second Sections of this Act mentioned, shall be deemed guilty of a misdemeanour.

IV. Any person who, in the Islands of Bombay or Colaba, shall knowingly and wilfully have in his possession any such mixed or adulterated Cotton as aforesaid, with a view to any fraudulent sale or disposition thereof, shall be deemed guilty of a misdemeanour.

V. Any person committing a misdemeanour against this Act shall be tried summarily for the same before the Court of Petty Sessions at Bombay, and on conviction shall be liable to a fine not exceeding Rupees One Thousand, or imprisonment, with or without hard labour, not exceeding twelve months, and at the discretion of such Court to both fine and imprisonment: Provided always, that it shall be lawful for the Chairman of the said Court to commit, or hold to bail, any person charged with any misdemeanour under this Act to take his trial in the Supreme Court.

VI. All Cotton in the Islands of Bombay or Colaba, which shall be fraudulently mixed, as mentioned in the first Section of this Act, or which shall be fraudulently deteriorated as mentioned in the second Section of this Act, shall be liable to confiscation.

VII. The said Court of Petty Sessions, upon credible information on oath of any Cotton liable to confiscation under this Act being in Bombay or Colaba, may order the seizure thereof, and the Chairman of such Court may issue a warrant for searching for, and seizing the same, and upon the same being proved to the satisfaction of the said Court

Court to be liable to confiscation, may order the confiscation thereof, whereupon the same shall be confiscated, and the said Court of Petty Sessions shall cause an intimation of every such confiscation to be forthwith given to the Collector of Customs at Bombay, who shall forthwith cause a valuation of the confiscated Cotton to be made, and furnish the same to the said Court of Petty Sessions, who shall thereupon make over the confiscated Cotton, with the valuation thereof, to the Bombay Government, and the said Government shall keep the said confiscated Cotton, and shall from time to time export the same to Europe, to be there disposed of as adulterated or deteriorated Cotton.

VIII. All fines, levied and recovered under this Act, shall be paid into the General Treasury at Bombay.

IX. The said Court of Petty Sessions as to any fine paid to such Court, or Cotton confiscated by its order under this Act, and the Supreme Court as to any fine on conviction in such Court, respectively, may award the whole or any part of the fines recovered, and any portion of the valuation by the said Collector of Customs of confiscated Cotton, not exceeding two-thirds of the amount of such valuation, to be paid to the informer or informers, whose information shall have led to the conviction of the offender, or confiscation of the Cotton respectively, and may grant such informer or informers an order on the General Treasury at Bombay for the amount so awarded.

X. Nothing in this Act shall affect the Civil rights of any parties defrauded by any offender against this Act, but they may sue for the same as if this Act had not been passed.

Calcutta, 1851 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XVI. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council, on the 26th December 1851, with the assent of the Most Noble the Governor General of India.

An Act for the trial of Receivers of Stolen Property.

FOR the trial of Receivers of Stolen Property where the principal is tried, or where the Property is found in their possession, or where the receiving takes place, It is enacted as follows :—

I. Every person who receives any Chattel, Money, Valuable Security, or other Property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, or converted, whether charged as an accessory after the fact to the felony, or with a substantive felony, or with a misdemeanor only, may be dealt with, indicted, tried, and punished in any place in which he shall have, or shall have had, any such Property in his possession, or in any place in which the party guilty of the principal felony or misdemeanor may by law be tried, or in the place where he actually received such Property.

Calcutta, 1851 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

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F. Carbery, Bengal Military Orphan Press.

ACT No. I. OF 1852.

Passed by the Hon'ble the President of the Council of India in Council, on the 2nd January 1852, with the assent of the Most Noble the Governor General of India.

An Act for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay.

WHEREAS it is expedient to consolidate into one Act the laws now in force, relating to the customs under the Presidency of Bombay, and also to amend the rules for the collection and management of the same, It is enacted as follows:

I. The following Regulations and parts of Regulations of the Bombay Code, and the following Acts and parts of Acts of the Government of India, are repealed, that is to say, Sections I. II. and III., Regulation VI. of 1799; Clause II. Section VII. Regulation IX. of 1800; Sections XIV. XVII. XX. XXI. and XXV., Regulation I. of 1805; Section IV. Regulation II. of 1810; Regulation VI. of 1814; Chapters III. V. and VII. Regulation XX. of 1827; Regulation I. of 1833; Act I. of 1838, except in so far as it repeals any Regulation of the Bombay Code, or Act of the Government of India; Act IX. of 1845, so far as it relates to the Bombay Presidency, except so far as it repeals any other Act; Act II. of 1846; and all other Acts and parts of Acts, and all other Regulations and parts of

Regulations of the Bombay Code, so far as such Acts or Regulations prescribe the levy within the Bombay Presidency of any customs duties, as well on transit by land as on import and export by sea, or which relate in any way to such duties, or which require the payment of any fee leviable by Customs Authorities on account of any vessel which may enter any port in the territories subject to the Presidency of Bombay.

II. Nothing hereinbefore contained shall be construed to prevent the levy of any anchorage or harbour dues now leviable at the port of Bombay, or the levy of any special duties on opium, tobacco, gunja, spirits or salt which are, or may be, established by any Law, or the levy of any town duty, or of any Municipal Tax, or of any toll on any bridge, road, canal or causeway, or for repair and maintenance of light-houses, or the levy of any rent or fee leviable under Act XXV. of 1836, on the warehousing of goods.

III. The Governor of Bombay in Council may appoint one or more persons, to be Commissioners of Customs for the collection and management of the customs throughout the whole of the Presidency of Bombay with such salary or salaries as the said Governor in Council may deem reasonable; the persons so appointed shall hold their offices during the pleasure of the said Governor in Council, and shall, in all matters relating to the execution of their duties, be subject to the authority, direction and control of, and obey such orders and instructions as shall, from time to time, be issued to them by, the said Governor in Council.

IV. The Governor of Bombay in Council may appoint such persons as he may deem fit for the control and supervision of the collection and management of the customs in the Bombay Presidency under this Act, as Collectors of Customs, or under such other designation as the said Governor in Council shall determine; the persons so appointed shall be subject

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to the authority and control of the Commissioner or Commissioners (if any such officer shall have been appointed) in such manner and to such extent as the said Governor in Council, from time to time, may direct.

V. The Governor of Bombay in Council may appoint all other proper persons to execute the duties of the several subordinate officers necessary to the due management and collection of the customs, and may require from such persons such securities for their good conduct therein as the said Governor in Council may deem necessary; and may, from time to time, transfer any part of the duties and powers of any officer of customs under this Act to any other officer in such cases and under such restrictions as the said Governor in Council may deem fit; and every officer of customs appointed or employed on any duty relating to the said customs shall hold his office during the pleasure of the Governor of Bombay in Council: all persons holding any office or employment in the said customs, at the time of the passing of this Act, shall continue to be so employed therein under this Act until duly removed therefrom.

VI. The Governor of Bombay in Council may delegate the whole or any portion of the powers with which he is invested by the preceding section to any Commissioner or Collector or other officer of customs regularly appointed under the provisions of this Act, and all subordinate officers of customs, who may be appointed by such Commissioner or Collector, or other officer of customs, by virtue of such delegated power shall be liable to be dismissed, suspended or fined to an extent not exceeding two months' pay by the authority by which they were respectively appointed, subject to the control of Government, or of superior authority in the customs department.

VII. Whoever intentionally obstructs any officer, in the exercise of any powers given by this Act to such officer, shall be liable to imprisonment

ment for any term not exceeding six months, or a fine not exceeding one thousand rupees, or both.

VIII. Any person, who shall offer a bribe to any custom house officer in order to induce such officer to act in a manner inconsistent with his duty, shall be liable for every such offence to a fine not exceeding one thousand rupees, or to imprisonment for any term not exceeding six months, or both.

IX. No action shall lie in the Supreme Court for any act or thing done under this Act; but every action for any wrong or trespass, if committed within the local limits of the Island of Bombay, shall be tried and determined before the Revenue Judge of Bombay, and if committed in any part of the Presidency of Bombay without those limits, then before the proper Zillah Judge within whose jurisdiction the same shall have been committed; and such Revenue Judge of Bombay, or Zillah Judge respectively, shall award such damages to the party aggrieved for the injury done as shall be just and equitable: Provided, that if it shall appear that there was reasonable and probable cause for the act complained of, the plaintiff shall not be entitled, beyond the restoration of any article unlawfully seized, or the value thereof, to more than two annas damages without costs.

X. Whoever, being an officer appointed under the authority of this Act, shall be guilty of a wilful breach of the rules prescribed in this Act, or any other rules that shall be passed by the Governor of Bombay in Council under the authority of it, or shall accept, or obtain or attempt to obtain from any person any property, gratuity or benefit as a consideration for doing or forbearing to do any official act, shall be liable to imprisonment for any term not exceeding two years, or to fine, or both.

XI. Whoever,

XI. Whoever, being an officer appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the customs revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be liable to imprisonment for any term not exceeding two years or to fine, or both.

XII. In all cases in which under this Act, goods are liable to confiscation, and in all cases in which under this Act, any person in charge of, or owning a vessel, or landing or shipping goods, or passing them through the custom house, is liable to a penalty, a Commissioner or Collector of Customs may adjudicate such confiscation or such penalty; or the same may be adjudged by a Deputy or by an Assistant Collector of Customs being a Justice of the Peace: Provided, that the power to adjudicate confiscation shall not extend as regards a Deputy Collector to goods beyond the value of rupees one thousand, nor as regards an Assistant Collector to goods beyond the value of rupees one hundred, nor shall any Deputy Collector impose any fine beyond the amount of rupees fifty, nor any Assistant Collector beyond the amount of rupees ten; and all cases adjudicated by a Deputy or Assistant Collector shall be liable to revision by a Collector of Customs on appeal.

XIII. In case any goods, ship, vessel, boat, cart, vehicle or other article shall be seized as forfeited, or detained as under-valued under this Act, the adjudicating officer may order the same to be restored in such manner and on such terms and conditions as he thinks fit to direct; and if the proprietor of the same accepts such terms and conditions, he shall not have or maintain any action for recompense or damage on account of such seizure or detention, and the adjudicating officer shall not proceed to condemnation.

XIV. Any

XIV. Any Collector of Customs or other officer, who is authorized to adjudicate customs cases, if he shall decide that a seizure of goods made under the authority of this Act was vexatious and unnecessary, may adjudge damages to be paid to the proprietor by the customs officer who made such a vexatious seizure, beside ordering the immediate release of the goods; and if the proprietor accepts such damages no action shall thereafter lie against the officer of customs, in any court of justice, on account of such seizure; and if such adjudicating officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, he may mitigate the same by levying on the goods so seized as aforesaid, any portion of the market value of such goods not less than one-tenth of such value; and if the said officer adjudges confiscation, or any penalty in mitigation of confiscation, he may order that from the sale of the goods, or from the proceeds of any penalty inflicted in mitigation of confiscation, a proportion not exceeding, in all cases of seizure except seizures of salt or tobacco, one-half of the sum remaining after payment of all Government demands shall be distributed in rewards amongst such officers as he deems entitled thereto, and in such proportion as he directs to each respectively: but in awarding rewards for the seizure of confiscated salt or tobacco, he may award one-half of the proceeds of sale, without making any deduction on account of Government demands.

XV. All penalties under this Act, except those specified in any judicial award of the Collector or other adjudicating officer, as provided for in Section XIII. of this Act, shall be adjudged and determined by the Officiating Magistrate of the place where the offence shall have been committed; and any Collector being a Justice of the Peace, or Deputy or Assistant Collector authorized in such behalf by his superior and being a Justice of Peace, may take informations and depositions on oath or solemn affirmation or declaration touching any matters involving a breach of

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any of the provisions of this Act, and if taken in the presence of the party or parties charged with such breach, the same shall be received in evidence by such magistrate in the like manner and to the same extent as if taken before him, and shall be deemed sufficient for him to adjudicate thereon: but nothing herein contained shall prevent such magistrate from taking any information or deposition afresh, or from taking other and further depositions in the matter, if he think fit.

XVI. If any person in charge of, or owning a vessel shall have become liable to any fine on account of any act or omission relating to the Customs, the Collector of Customs, subject to the orders of the Governor of Bombay in Council, may refuse port clearance to such vessel until the fine is discharged; and in like manner if any person passing goods through the custom house, shall have become liable to any fine, the Collector of Customs may detain such goods until the fine is discharged.

XVII. No person shall act as an agent for transacting business in the custom house in the port of Bombay which shall relate to the entrance or clearance of any ship, goods, or baggage, unless authorized so to do by licence of the Collector of Customs, who may require a bond to be given by every person to whom such licence shall be granted, with sufficient securities, in any sum not exceeding five thousand rupees for the faithful and incorrupt behaviour of such person as regards the custom house regulations and its officers; and every person who shall act as such agent not being so licensed shall, for every such offence, be liable to a fine not exceeding the sum of five hundred rupees: Provided always, that nothing herein contained shall extend to forbid the clerk or servant, or known accredited agent of any person, or of any mercantile firm, from transacting business at the custom house on account of such person or firm without licence.

XVIII. Duties

XVIII. Duties of customs shall be levied on goods imported by sea from any port not subject to the Government of the East India Company, or from Aden, or any port in the Straits of Malacca, the Tenasserim Provinces, or the Province of Arracan, into any place in the territories subordinate to the Government of the Presidency of Bombay according to the rates specified in Schedule A. annexed to this Act, and with the exceptions specified therein; and the said Schedule shall be taken to be a part of this Act.

XIX. Duties of customs shall be levied upon goods the produce or manufacture of India exported by sea to any port situated beyond the territories subject to the Government of the East India Company, or to Aden, or to any port in the Straits of Malacca, the Tenasserim Provinces or the Province of Arracan, from any port of the Bombay Presidency, according to the rates specified in Schedule B. annexed to this Act, with the exceptions therein specified; and the said Schedule with the notes attached thereto, shall be taken to be a part of this Act: Provided always, that the ships of any European nation having Firman privileges in the port of Surat, shall not be subject to further duties of import or export than may be prescribed by their Firmans respectively, any thing in the Schedules or in this Act notwithstanding.

XX. Spirits exported from any port subject to the Government of the East India Company, and imported at any other port subordinate to the Government of Bombay shall be liable on importation to the same rate of duty as may be fixed on spirit of country manufacture by Schedule A. annexed to this Act, or by any future enactment: Provided always, that if the said spirit be accompanied by a document signed by competent authority, certifying that a duty, whether of customs or otherwise, has been paid on the said spirit to the East India Company, credit shall be allowed for the sum so paid in settling the customs at the port of import; and if

such sum equal or exceed the full amount of customs leviable on spirits of country manufacture under Schedule A. aforesaid, or any future enactment, then the spirit on which such duty has been paid shall be admitted to free entry.

XXI. The Governor in Council may direct that an anchorage toll shall be levied at any port or ports within the Bombay Presidency on all vessels arriving from any other port or ports which may be specified by the said Governor in Council, and such anchorage toll shall be levied at such port or ports on every such vessel on each arrival of such vessel at the rates specified in Schedule C. annexed to this Act: and the said Schedule shall be taken to be part of this Act.

XXII. No goods entered in either of the Schedules of this Act, as liable to duty, shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor of Bombay in Council, and the Collector of Customs shall detain all goods subject to duty under this Act until such duty shall have been duly paid according to the rules herein provided: Provided always, that the Collector of Customs, or other officer in charge of a custom house, may at his discretion pass free of duty any passenger's personal baggage in actual use, and if any person shall apply to have goods passed as such baggage, the Collector, acting under the orders of Government, shall determine whether they be passenger's personal baggage in actual use, or goods subject to duty under the provisions of this Act.

XXIII. On application by the exporter of any salt that has paid the excise duty, as established by law, a certificate shall be granted by the Collector of Customs at the place of export, under authority of which certificate the quantity of salt specified therein may be landed at any other port of the said Presidency of Bombay, and passed from such port into

the interior of the country without the levy of any further duty either of excise or of customs.

XXIV. The Governor of Bombay in Council, from time to time by notice in the official Gazette of that Presidency, may fix a value for any article, or number of articles, liable to duty upon their value, and the value so fixed for such articles shall, till altered by a similar notice, be taken to be the value of such articles for the purpose of levying duty on the same.

XXV. When goods liable to duty for which a value has been fixed by such notice or for which a fixed duty has been declared by the Schedules annexed to this Act, are brought to any custom house in the Bombay Presidency in a damaged state, and such damage is declared previous to the assessment of customs on such goods, the Collector of Customs may make an abatement of customs in proportion to the damage received; and, in estimating such damage, he shall be guided by such rules as the Governor of Bombay in Council may from time to time determine and notify; but if the value of the goods be not deteriorated more than one-fifth part thereof no abatement of customs shall be allowed.

XXVI. When goods liable to duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed duty has not been declared by the Schedules annexed to this Act, are brought to any custom house in the Presidency of Bombay, for the purpose of being passed for importation or exportation, the duty leviable on such goods shall be levied according to the market value of such goods, at the place and time of importation or exportation as the case may be.

XXVII. No goods shall be allowed to be passed through the custom house until a written application, according to a form to be prescribed by the

the Collector of Customs, shall have been made by the owner, consignee, exporter, importer, or the agent for any of such persons respectively, for permission to pass such goods through the custom house; and such application shall contain a true description of such goods, with the marks, numbers and description of the packages containing the same, and a declaration of their value, and shall set forth the name of the ship in which the goods have been imported, or are to be exported, the name of the master of the said ship, the colors under which the said ship sails, and the country in which the goods were produced. If any goods shall be passed through the custom house, or attempted to be removed therefrom without such an application in writing as is above described, they shall be liable to be seized and confiscated.

XXVIII. The market value for assessment of duties on the goods indicated in Section XXVI. shall be that declared in the application to be made, as aforesaid: Provided always, that the value so declared be admitted by the Collector or by the officer appointed to appraise goods at the custom house; but if the value of the whole or any part of the goods entered in the declaration aforesaid shall seem to the Collector to be understated in such declaration, he shall have power to take the goods, or any part thereof as purchased for the Government at the price so declared; and whenever the Collector of Customs shall so take goods for the Government, payment thereof shall be made to the consignee, importer or exporter within one month from the date of the declaration; if the goods be imported goods, the amount of import duty leviable thereon shall be first deducted, and if the goods be intended for exportation, the entire value as declared, shall be paid without deduction on account of customs duty: and the Collector shall sell the goods so taken on account of Government; and, if they shall realize on sale a sum exceeding all charges incurred on them by Government, a proportion not more than one-half of the excess shall, at the discretion of the Collector, be payable to the officer

officer who reported the undervaluation of the goods, who shall in like manner be liable to pay one-half of the net loss that may accrue on the sale of the said goods.

XXIX. And whereas under Section **XXIV.** of this Act, it may be found expedient to fix the dutiable value of certain goods at the rates shewn by their invoice, when it shall appear to the officer of customs appointed to appraise goods at the custom house that any goods are undervalued in an invoice presented for the purpose of assessing customs, he shall report the same to the Collector of Customs, who shall call upon the importer or exporter to declare the market value of the goods in question, and if the value so declared shall appear to the Collector insufficient, he may take such goods for Government at the value so declared, and dispose of them as empowered by Section **XXVIII.** of this Act.

XXX. Upon any goods liable to duty that may be passed through the custom house for shipment, the application for which shall be presented after port-clearance shall have been taken out, double of the prescribed duty shall, in all cases, be levied, and if the goods (always excepting treasure and opium) be free, or have already paid import duty, or have been imported free under certificate, five per cent. upon the market value shall be levied thereon, or if the same be imported goods entitled to drawback, the drawback shall be forfeited, but no separate duty shall be levied on drawback goods.

XXXI. When a vessel having cleared out for any port, shall put back from stress of weather, or it shall from any damage, or from other cause be necessary that the cargo of a vessel that has cleared out shall be unshipped or relanded, a customs officer shall be sent to watch the vessel, and take charge of the cargo during such relanding or removal from on board; and the goods on board such vessel shall not be allowed to be transhipped

transhipped or re-exported free of duty by reason of the previous settlement of duty at the time of first export unless the goods shall be lodged in such place as shall be allowed by the Collector of Customs, and shall remain while on land or while on board of any other vessel under special charge of the officers of customs until the time of re-export, and all charges attending such custody shall be borne by the exporter: Provided however, that in all cases of return to port after port-clearance on account of damage or for stress of weather, the owner or master may enter the vessel and land the cargo under the rules for the importation of goods, and the export duty shall in that case be refunded, and the amount paid in drawback be reclaimed; and if goods on account of which drawback has been paid, be not found on board the vessel, the master shall be liable to a fine not exceeding the entire value thereof, unless he accounts for them to the satisfaction of the Collector of Customs.

XXXII. When goods shall be re-landed before the lading of any vessel is complete, and before port-clearance has been granted, the duty levied upon such goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any goods after port-clearance shall have been granted for the vessel on which the goods are exported, unless the vessel shall have put back for stress of weather or for damage, and the goods shall have been re-landed under the rule contained in Section XXXI.

XXXIII. Goods exported in the same vessel on which they were imported, if manifested for re-export, shall not be subject to import or export duty; and, if any goods brought to any port in any vessel be transhipped in such port, they shall in all cases be subject to the same duty as if they had been landed and passed through the custom house for re-exportation in the vessel into which they may be transhipped.

XXXIV. No duty of customs which shall have been charged and paid, and of which repayment is claimed in consequence of the same having been charged or paid under an erroneous construction of law or from other error, shall be returned unless such claim is made within two years from the date of such payment.

XXXV. With the sanction of the Governor of Bombay in Council, seven-eighths of the customs levied on imports may be repaid as drawback upon the re-export by sea of goods which can be identified to the satisfaction of the Collector of Customs as having previously paid customs duties on import at the same port: Provided that such re-export be made within two years of the date of import by the custom house register, and the drawback be claimed at the time of re-export; but no drawback shall be claimable under this Act on any re-export of opium or salt, or of goods destined for any port in the territories subject to the Government of the East India Company, except Aden, and ports in the Straits of Malacca, the Tenasserim Provinces, and the Province of Arracan.

XXXVI. Every person who shall counterfeit or falsify, or wilfully use when counterfeited or falsified, any invoice, entry, cocket, or other document for the purpose of clearing, or having customs duties assessed on, any goods, shall be liable to a fine not exceeding one thousand rupees.

XXXVII. If any certificate, manifest, bill, or other custom house documents be lost by any person to whom they may have been issued by the custom house authorities, the Collector of Customs, on being satisfied that no fraud has been committed, or was intended, may grant a duplicate of such lost document upon payment of a fee of not less than one rupee, nor exceeding ten rupees; and further the Collector may authorize any amendment to be made in any import or export application; but, if such amendment be required after such application is entered and recorded in the

the custom house books, then upon payment of a like fee for any document so entered.

XXXVIII. The master of every vessel on arrival at the port of Bombay shall, on being required by any customs officer who may proceed on board, enter in a printed form with which such officer will be furnished, the information therein required, which shall include the vessel's name and the country to which she belongs, the name of the captain or sailing master, the port from whence she began her voyage, and the date of departure therefrom, also the names of any ports at which she touched during her voyage, and of any vessels she may have spoken, and a list of her passengers; and any master of any vessel who shall refuse to enter such information, or delay to do so for more than two hours after delivery to him of the printed form aforesaid, or wilfully make any false statement in filling up the same, shall be liable to a fine not exceeding five hundred rupees.

XXXIX. On the arrival of any ship, boat, or other vessel at the port of Bombay, the master or commander thereof shall, within twelve hours after he shall have anchored, report to the Collector of Customs the quantity of gunpowder which he has on board, and all such gunpowder in excess of five seers, unless a greater quantity shall be authorized by Government to be retained on board any vessel, shall be delivered by him in charge of such person as shall be named in an order to be furnished to him for such purpose by a proper officer of Government, and on his failure to make such report, or deliver such excess, he shall be liable to a fine not exceeding five hundred rupees.

XL. When any vessel shall arrive in any port of the Presidency of Bombay, the master shall deliver a certificate of registry of such vessel if registered as a British vessel under Act of Parliament, or if registered

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under Acts of the Government of India No. X. of 1841 or No. XI. of 1850, a certificate of registry as required by such Acts, or if not registered under either of the said Acts then the pass or sea letter under which the vessel may have sailed, to the first person duly empowered to receive such certificate of registry or pass, who comes on board; and if no such person comes on board before the anchor is dropped, then such certificate or pass shall be forwarded to the Collector of Customs, or other principal officer of customs on the spot, by the first boat that leaves the vessel after dropping anchor; and, if the port be up a river, or at a distance from the land first made, no inward-bound vessel, except such country craft as are described in Section LIX. of this Act, shall pass beyond such place in such river or adjoining such port as shall be from time to time appointed by the Governor of Bombay in Council, by an order published in the Government Gazette of the Presidency, until the master shall have forwarded, in such manner as may be so ordered by the said Governor, a certificate of registry or pass; and the master of such vessel arriving as aforesaid, shall deliver in duplicate, at the same time and in like manner as he is hereinbefore directed to deliver a certificate of the registry of the vessel, a true manifest of the cargo on board; and if there be no cargo, then a blank manifest made out according to such form as may be prescribed by the Collector of Customs; and the wilful breach or neglect of any of the provisions of this Section shall subject the master to a fine not exceeding one thousand rupees.

XLI. If the manifest so delivered by the master shall not contain a full and true specification of all the goods imported in the vessel, the said master shall be liable to a fine not exceeding rupees one thousand, and any goods or packages in excess of the manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, that are found on board, or are found after being fraudulently removed from the vessel, shall be liable to be seized by any officer

officer of customs and confiscated, or to be charged with such increased duties not exceeding the value of such goods or packages as may be determined by the Collector of Customs.

XLII. If any inward-bound vessel shall remain outside or below the place that may be fixed by the Governor in Council for the first delivery of manifests, the master shall deliver a manifest as hereinbefore prescribed, to the first person duly empowered to receive such manifest who comes on board, and the master of any vessel entering a port for which there is a custom house established, and being at anchor therein for twenty-four hours, who shall refuse or neglect to deliver the said manifest within that time in the manner above prescribed, shall, for such refusal or neglect, be liable to a fine not exceeding rupees one thousand; and no entry or port-clearance shall be given for such vessel until the fine is paid.

XLIII. No vessel shall be entitled to inward entry, or be allowed to break bulk, until a manifest in duplicate, as required by this Act, shall have been received by the Collector of Customs, nor until orders have been given by the said Collector for the discharge of the cargo; and the said Collector may further refuse to give such order, if he shall see fit, until any port-clearance, cocket, or other papers known to be granted at the places from which the vessel is stated to have come, shall likewise be delivered to him.

XLIV. No vessel shall be entitled to entry outwards, or to take on board any part of her export cargo, until a written application for such purpose shall have been made by the master of such vessel to the Collector of Customs, nor until an order shall have been given by the said Collector for shipping export cargo, and in the written application to be made as aforesaid, the name, tonnage, and nation of the vessel shall be described, as also the name of the master, and the name or names of the place or places for which she is bound.

XLV. If

XLV. If in the application prescribed by the preceding Section of this Act, a vessel be described to be bound to any port or ports within the territories of the East India Company, then the Collector of Customs, or, in his absence, his Deputy or Assistant, may refuse a port-clearance to such vessel until the master or commander thereof shall have given a joint bond together with the owner or the consignee of the said vessel, or some other party approved by the Collector of Customs, or, in his absence, by his Deputy or Assistant, by which such parties or one of them shall be bound to produce to the Collector of Customs a certificate from the officer in charge of the port to which such vessel is said to be bound, of her arrival at such port within a fair and reasonable time to be prescribed by the Collector in each case, and in failure of producing such certificate, or showing sufficient reason for its non-production, the parties to the bond aforesaid shall be jointly and severally bound to pay a penal sum equal to double the amount of customs which would have been chargeable on the export cargo of the said vessel had she been declared bound to a port beyond the territories of the East India Company.

XLVI. No goods shall be allowed to leave any vessel or to be put on board thereof, until entry of the vessel shall have been duly made in the custom house of the port, and until order shall have been given for discharge or shipment of the cargo thereof as above provided, and it shall be the duty of every customs officer to seize as contraband any goods which have been removed from or put on board of any vessel in contravention of the above provision; and the master of any vessel who shall permit or neglect to take measures for preventing the landing or shipping of any goods in contravention of the above provisions, shall be liable to a fine not exceeding five hundred rupees.

XLVII. After entry of the vessel at the custom house in due form as above prescribed, such part of the cargo as may not be declared for re-exportation

re-exportation in the same vessel, shall be landed, and export cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this Act, or by order of the Governor of Bombay in Council; and if an attempt be made to land or put on board goods or merchandise in contravention of the forms and rules so prescribed, the goods shall be liable to seizure and confiscation.

XLVIII. If goods entered in the manifest of a vessel shall not be found on board that vessel, or if the quantity found be short, and the deficiency be not duly accounted for, or if goods sent out of the vessel be not landed at the custom house, or at such other place as the Collector of Customs shall have prescribed, the master shall be liable to a penalty not exceeding five hundred rupees for every missing or deficient package of unknown value, and to a penalty equal to twice the amount of duty chargeable on the goods deficient and unaccounted for, if the duty can be ascertained, and if they be not subject to duty, then to a penalty equal to five per cent. on the value of such deficient goods; provided always, that nothing herein contained shall be construed to prevent the Collector of Customs from permitting, at his discretion, the master of any vessel to amend obvious and unintentional errors, or to supply omissions from accident or inadvertence, by furnishing an amended or supplemental manifest.

XLIX. Every master of a vessel who shall remove from such vessel or put on board thereof any goods, or cause or suffer any goods to be removed from thence or put on board thereof between sunset and sunrise, or on any day when the custom house is closed for business, without leave in writing obtained from the Collector of Customs, shall be liable to a fine not exceeding five hundred rupees.

L. When goods shall be sent from on board of any vessel for the purpose of being landed and passed for importation, there shall be sent with

with each boat load, or other separate despatch, a boat note specifying the number of packages and the marks and numbers, or other description thereof, and such boat note shall be signed by an officer of the vessel; and if the vessel have a customs officer on board, the boat note must be signed by such officer as well as by an officer of the vessel; and if any imported goods be found in a boat proceeding to land from such a vessel without a boat note, as above provided, or if being accompanied by such boat note they be found out of the proper track between the ship and the proper place of landing, the boat containing such goods may be detained by any officer of customs duly authorized by the Collector; and unless the cause of deviation be explained to the satisfaction of the Collector of Customs, the goods shall be liable to seizure and confiscation.

LI. Except in special cases sanctioned by the Collector of Customs, twenty days, exclusive of Sundays and holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding six hundred tons' burthen, and thirty days for vessels exceeding that burthen; and the said periods shall be calculated from the date on which the vessel was admitted to entry inward; and if any goods remain on board after the periods above fixed, the Collector may order the same to be landed and warehoused, for the security of the duties chargeable thereon, and of any freight and primage and other demands that may be due thereon, giving his receipt to the master for the goods so warehoused; but the Collector or other officer in charge of the custom house, with the consent of the master of the vessel, may cause any packages to be brought on shore and to be deposited in the Government warehouses, although the periods above fixed have not expired.

LII. No vessel shall depart from any port of the Presidency of Bombay without a port-clearance being granted by the Collector of Customs or other proper officer duly authorized by the Governor of Bombay

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in Council to grant the same, and application shall be made for such port-clearance at least twenty-four hours before the intended departure of the vessel; and no such port-clearance shall be granted to any square-rigged vessel sailing from the port of Bombay until the following documents shall have been produced to the Collector of Customs or other officer:—

1st,—The certificate of registry of the vessel if registered a British vessel under Act of Parliament, or if registered under the Acts of the Government of India No. X. of 1841, or XI. of 1850, a certificate of registry as required by such Acts, or if not registered under either of the aforesaid Acts, then the pass or sea letter under which the vessel shall be sailing.

2nd,—A certificate from the Senior Magistrate of Police, that there is no objection in his department to a port-clearance being granted to the vessel.

3rd,—A like certificate from the Indian Naval Store-keeper of all demands as regards his office on the vessel having been satisfied.

4th,—A like certificate from the Marine Paymaster.

5th,—A like certificate from the Registrar of Shipping.

6th,—A list of the crew and (if any) of the passengers; but if none, then a declaration of the master to such effect.

Provided always, that it shall be lawful for the Governor of Bombay in Council in any cases of necessity or special emergency, to authorize the granting of such port-clearance without the production of any one or more of the documents hereinbefore enumerated, and on such terms and conditions as he may think fit.

 LIII. The

LIII. The master of every vessel leaving any port in the Bombay Presidency shall, at the time of applying as above prescribed for a port-clearance, deliver to the Collector of Customs or other principal customs officer of such port in duplicate a true manifest of the cargo on board, and if there be no cargo, then a blank manifest made out according to such form as may be prescribed by the Collector of Customs; and if such manifest so delivered shall not contain a full and true specification of all goods to be exported in the vessel, the said master shall be liable to a fine not exceeding one thousand rupees; and any goods or packages found on board in excess of the manifest so delivered, or differing in quantity, or in kind, or in marks, or in numbers from the specification contained therein, shall be liable to be seized by any customs officer and confiscated, or charged with such increased duties not exceeding the value of such goods or packages as may be determined by the Collector of Customs.

LIV. If any goods shall be taken on board of any vessel after port-clearance, it shall be incumbent on the master of such vessel to amend the export manifest of such vessel in presence of the Collector of Customs, unless a special permission be granted by that officer; and the master of any vessel who may contravene the provisions of this Section, shall be liable to a fine not exceeding one thousand rupees.

LV. If any vessel shall depart or attempt to depart without a port-clearance, as directed by this Act, the master shall be liable to a penalty not exceeding one thousand rupees, which may be recovered from the master or any owner of the vessel.

LVI. No transhipment shall be made of any goods except under special order in writing from the Collector of Customs of the port; and an officer of customs shall in all cases be deputed to superintend the removal of the goods from vessel to vessel; and if any goods are transhipped or

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any attempt be made to tranship any goods without a special order as aforesaid, such goods shall be liable to confiscation.

LVII. The Governor of Bombay in Council may declare by public notice, in the official Gazette of that Presidency, what places within the same shall be ports for the landing and shipment of merchandise, and any goods landed or attempted to be landed at any other port than such as shall be so declared, shall be seized and confiscated.

LVIII. There shall be in every port of the Bombay Presidency one or more places for the landing and shipment of goods, and goods shall not be landed or embarked at any other place without the special order in writing of the Collector of Customs for the port; and, if any goods be landed or embarked, or an attempt be made to land or embark any goods at any other than the said authorized places without such order, they shall be seized and confiscated.

LIX. The Governor of Bombay in Council may establish rules for the anchorage of the coasting and country craft of the British territories, for the delivery of manifests of the cargo of such vessels, and for the landing of goods therefrom, and shipping and transhipping of goods therein; and whoever, being in charge of any such craft or being owner of the vessel or of any part of her cargo, shall knowingly contravene any such rule, shall be liable to a fine not exceeding one hundred rupees for each offence.

LX. Goods which shall be brought to be passed through the custom house, either for importation or exportation by sea, shall be liable to confiscation if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the custom house, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity,

quantity, or if in or among the packages any goods not stated in the application be found concealed in or mixed up with the specified goods.

LXI. Any exported goods which shall be found in the harbour, or any imported goods which shall be found on the wharf, of any port under the Bombay Presidency, shall be liable to confiscation, unless the owner, consignee, or other parties interested in the said goods, shall prove in the case of exported goods that they have been duly passed through the custom house, or, in the case of imported goods, that they have been landed according to the rules prescribed by this Act, preparatory to their being so passed.

LXII. The Governor of Bombay in Council, by an order in Council, may fix and from time to time alter rates of rent to be charged on goods placed in the Government warehouses, or which may be, beyond such period as may be determined by the Governor in Council, lying on the custom house wharf or other authorized landing places.

LXIII. The unshipping, carrying, shipping and landing of all goods, and the bringing of the same to the proper place for examination or for weighment, and the putting the same into and out of the scales, shall be performed by or at the expense of the importer or exporter of such goods.

LXIV. The Collector of Customs, whenever he shall see fit, may require that goods brought by sea, and stowed in bulk, shall be weighed or measured on board ship before being sent to land, and may levy duty according to the result of such weighing or measurement.

LXV. The Governor of Bombay in Council, from time to time, may issue such rules as appear to him expedient for landing or shipping passengers' baggage, and passing the same through the custom house, and also for landing,

landing, shipping and clearing parcels forwarded by Her Majesty's or the East India Company's mails, or by other regular packets and passenger vessels; and when any baggage or parcels are made over to the custom house officer, for the purpose of being landed, a fee of such amount as the Governor of Bombay in Council may from time to time direct shall be chargeable thereon, as compensation for the expense and trouble incurred in landing and depositing the same in the custom house.

LXVI. If any person, after goods have been landed and before they have been passed through the custom house, removes or attempts to remove them with the intention of defrauding the revenue, the goods shall be liable to confiscation, unless it shall be proved, to the satisfaction of the Collector of Customs, that the removal was not sanctioned by the owner or by any person having an interest in or power over the goods; on such proof, the goods shall not be liable to confiscation, but the party or parties so removing or attempting to remove the goods, shall be liable to a fine not exceeding the value of the said goods.

LXVII. In case of any goods landed from any vessel not being claimed and cleared from the custom house within three months from the date of entry of the ship in which such goods were imported, the Collector, after publication of a description of the same in the Government Gazette, may sell the same on account of the duties and other charges due thereon; and the balance remaining after deducting the said duties and charges shall be held in deposit, and paid to the owner on application; provided that such application be made within two years of the sale of the goods, or good reason be shewn why such application has not been so made.

LXVIII. If the Governor of Bombay in Council shall see fit for the security of customs at any port to maintain special establishments of boats for landing and shipping merchandise, or to license and register

the cargo boats plying in any ports, then, after due notification thereof, no person shall convey goods to or from any vessel in such port otherwise than in the boats so authorized and prescribed, except under special permit from the Collector of Customs at the port: and any goods found on board of other boats than those so authorized for the port, shall be liable to be seized by any officer of customs and shall be liable to confiscation; and the tindal or owner of any such boat shall be liable to a fine not exceeding fifty rupees for each offence.

LXIX. When the Governor of Bombay in Council shall see fit to maintain at any port an establishment of officers to be sent on board of vessels to watch their unlading and lading, then, after due notification shall have been given that such establishment is so maintained at any port, the Collector of Customs at that port shall have power at his discretion to send one or more officers of such establishment to remain on board of any vessel in such port by night and by day until the vessel shall leave the port, or it shall be otherwise ordered by the Collector.

LXX. Any master of such vessel at such port, who shall refuse to receive an officer so deputed with one servant on board, or who shall not afford such officer and servant suitable shelter and accommodation while on board, and likewise furnish them with a due allowance of fresh water if necessary, and with the means of cooking on board, shall be liable to a fine not exceeding one hundred rupees for each day during which such officer and servant continue on board, and shall not be received and provided with suitable shelter and accommodation.

LXXI. If application be made to the Collector for an extension of the period allowed in Section LI. of this Act for the discharge of the import cargo of any vessel on board of which a custom house officer shall have been placed, and the Collector may see fit to grant any such extension,

sion, the master of such vessel shall be charged with the wages of such officer and other expenses, for such period as such officer may be detained on board beyond the period fixed by Section LI. of this Act.

LXXII. If any officer shall be placed on board for the purpose of superintending the lading of any vessel, and the unlading and lading of such vessel be continuous, then a period of twenty days shall be allowed for taking in export cargo; and the said period shall be calculated from the termination of the period allowed for discharging cargo by Section LI. of this Act; and the master thereof shall be charged for the wages and expenses of the customs officer on board after the expiration of such additional period. But, if the unlading and lading of any vessel be not continuous, and a customs officer is appointed to superintend the lading thereof, then the period of thirty days shall be allowed from the date of entry of the vessel outwards, and the master of the vessel shall be charged for the wages and expenses of the customs officer on board after the expiration of that period.

LXXIII. When the unlading and lading of any vessel is not continuous, the customs officer shall be removed from on board such vessel so soon as the import cargo has been fully discharged, and shall be replaced on board such vessel on the entry outwards of such vessel; and the master of any such vessel who, before a customs officer has again been placed in such vessel, shall put on board or cause or suffer to be put on board of such vessel, any goods whatever, shall be punished with a fine not exceeding one thousand rupees, and the goods shall be liable to be re-landed for examination at the expense of the shippers, upon requisition to that effect from the Collector of Customs.

LXXIV. Whenever a Collector of Customs shall see cause to direct that any vessel shall be searched, he shall issue his warrant or written order

order for such search, addressed to any officer under his authority; and upon production of such order, the officer bearing it may require any cabins, lockers, or bulk-heads to be opened in his presence, and if they be not opened upon his requisition, may break the same open; and any goods found concealed, and not duly accounted for to the satisfaction of the Collector of Customs, shall be liable to seizure and confiscation; and any master or person in charge of a vessel who shall resist such officer, or refuse to allow the vessel to be searched when so ordered by the Collector of Customs, shall be liable for every such offence to a fine not exceeding one thousand rupees.

LXXV. If any officer of customs shall see cause to search any person on board, or who shall have landed from any vessel, or any person passing or having passed through the custom house or any custom station, such person, before being searched, may require such officer to take him before the Collector or a Justice of the Peace, who shall determine whether there is reasonable ground to suppose that such person has any uncustomed or prohibited goods on his person; and if such Collector or Justice shall think there is reasonable ground for such supposition, then he shall direct such person to be searched in such manner as he shall think fit, otherwise he shall forthwith discharge such person; but no female shall be searched otherwise than privately, or by any other person than a female duly authorized by such Collector or Justice; and any officer who shall not take such person with reasonable despatch before such Collector or Justice when so required, or who shall require any person to be searched without having reasonable ground to suppose that he has uncustomed or prohibited goods on his person, or who shall cause any female to be unlawfully searched, shall be liable to forfeit and pay a sum not exceeding one hundred rupees; and if any person suspected of having any uncustomed or prohibited goods on his person, or in his possession, shall, on being questioned by any officer of customs in regard thereto, deny the same,

and

and any such goods shall after such denial be found on his person, or in his possession, such goods shall be seized and confiscated, and such person shall forfeit double the value of such goods in addition to the goods confiscated.

LXXVI. Any officer of customs acting under the warrant of any Commissioner or Collector of Customs, may take a constable and a sufficient number of peons, (who shall, on the requisitions of the Collector for such purpose, be furnished by the superintendent of police in Bombay or the proper police authority in any zillah,) and between sunrise and sunset may enter into and search any house, shop, cellar, warehouse, room, or other place, and in case of resistance may break open doors, chests, trunks and other packages, and may seize and bring thence any uncustomed or prohibited goods, and put and secure the same in the custom house warehouse in the port next to the place whence such goods shall be so taken as aforesaid; and such goods shall be liable to confiscation; provided always, that no Commissioner or Collector of Customs shall issue any such search-warrant except upon information on oath or solemn declaration formally laid before him.

LXXVII. No cargo-boat laden with goods intended for exportation by sea shall make fast to, or lie alongside of any vessel on board of which there shall be a customs officer stationed, unless there shall be on board the boat, or have been received by the said customs officer, a custom house permit or order for the shipment of the goods, and the goods on board of any boat that may so be alongside, or be made fast to a vessel, and not covered by a custom house pass accompanying them, or previously received by the customs officers on board the said vessel, shall be liable to seizure and confiscation.

LXXVIII. All fines, for the recovery of which no special provision is herein-before made, may be recovered, on conviction of the offender, before a magistrate or other person competent to adjudicate on the offences, and payment thereof may be enforced under Act II. of 1839.

ACT No. I. OF 1852.

SCHEDULE A.

Rates of duty to be charged on goods imported by sea into any port of the Presidency of Bombay from any port or place not subject to the Government of the East India Company, or from Aden, or from any port or place in the Straits of Malacca, the Tenasserim Provinces, and the Province of Arracan.

Nos.	Enumeration of Goods.	The produce or manufacture of	
		The United Kingdom or any British possession.	Any other Place.
		Rate of duty on the value.	Rate of duty on the value.
1.	Bullion and Coin,	Free.	
2.	Precious Stones and Pearls,	Ditto.	
3.	Grain and Pulse,	Ditto.	
4.	Horses and other living Animals,		
5.	Ice,	Ditto.	
6.	Coal Coke Bricks, Chalk and Stones, (marbles and wrought stones excepted,)	Ditto.	
7.	Cotton Wool, 9 annas per Indian Maund,		
8.	All Machinery imported into India for improvement of the communications and for development of the commercial resources of the country,	Ditto.	
9.	Opium covered by a Pass,	Ditto.	
10.	Opium not covered by a Pass,	24 rupees per Seer of 80 Tolahs.	
11.	Books,	Free,	3 per Cent.
12.	Marine Stores,	5 per Cent.	10 per Cent.
13.	Metals, wrought or unwrought,	5 per Cent.	10 per Cent.
14.	Woollens,	5 per Cent.	10 per Cent.
15.	Cotton and Silk Piece Goods, and all manufactures of Cotton and Silk, (except Thread, Twist and Yarn), or of Cotton or Silk mixed with any other materials,	5 per Cent.	10 per Cent.
16.	Cotton Thread, Twist and Yarn,	3½ per Cent.	10 per Cent.

17. Porter,

17.	Porter, Ale, Beer, Cyder, and other similar fermented Liquors,.....	5 per Cent.
18.	Salt not covered by a Pass, ...	12 annas per Indian Maund.
19.	Alum, ...	10 per Cent.
20.	Camphor, ...	10 ditto.
21.	Cassia, ...	10 ditto.
22.	Cloves, ...	10 ditto.
23.	Coffee, ...	7½ ditto.
24.	Coral, ...	10 ditto.
25.	Nutmegs and Mace, ...	10 ditto.
26.	Pepper, ...	10 ditto.
27.	Ratans, ...	7½ ditto.
28.	Tea, ...	10 ditto.
29.	Vermillion, ...	10 ditto.
30.	Wines and Liqueurs, ...	1 Rupee per Gallon.
31.	Spirits, of European and Foreign manufacture at or below London proof, ...	1 Rupee 8 annas per Gallon.
32.	Spirits, of Country manufacture including Ceylon Arrack, ...	9 annas per Gallon.

NOTE.—The duty on all Spirits shall be ratably increased as the strength exceeds London proof.

33.	Tobacco and all preparations thereof when the market value does not exceed 30 Rupees per Indian Maund, ...	1 Rupee 8 annas per Indian Maund.
34.	Ditto ditto ditto, when the market value exceeds Rs. 30 per Indian Maund, ...	5 per Cent. on the value.
35.	Ditto ditto, on removal from Bond for consumption in the Island of Bombay, ...	7½ Rupees per Indian Maund.
36.	All articles not included in the above enumeration, ...	5 per Cent. on the value.

ACT No. 1. OF 1852.

SCHEDULE B.

Rates of Duty to be charged on goods exported by sea from any port or place in the Presidency of Bombay to any port or place not subject to the Government of the East India Company, or to Aden, or any port or place in the Straits of Malacca, the Tenasserim Provinces, and the Province of Arracan.

Nos.	Enumeration of Goods.	Rate of Duty.
1.	Bullion and Coin, ...	Free.
2.	Precious Stones and Pearls, ...	Ditto.
3.	Books, Maps and Drawings, printed in India, ...	Ditto.
4.	Horses and living Animals, ...	Ditto.
5.	Opium covered by a Pass, ...	Ditto.
6.	Opium not covered by a Pass, ...	Prohibited.
7.	Cotton Wool, ...	Free.
8.	Sugar and Rum, ...	Ditto.
9.	Salt having paid Excise duty as prescribed by Law.	Ditto.
10.	Salt not covered by a Pass or Certificate of having paid Excise duty or Import Customs duty, ...	Prohibited.
11.	Spirits, ...	9 annas per Gallon.
12.	Tobacco and all preparations thereof, ...	1 Rupee 8 annas per Indian Maund of 80 Tolahs to the Seer.
13.	All Articles produced or manufactured in the territories governed by the East India Company, and not enumerated or named above, ...	3 per Cent. on the value
14.	All Articles produced or manufactured in any foreign territory uncovered by a certificate of having paid import duty, ...	3 per Cent. on the value.

SCHEDULE C.

ACT No. I. OF 1852.

SCHEDULE C.

Anchorage Tolls on Country Craft.

	Candies.		Indian Maunds.	Candies.		Indian Maunds.	Rupees.	Annas.	Pies.
Above	10	=	100 not exceeding	20	=	200	1	0	0
,,	20		.....	40		...	1	8	0
,,	40		.....	60		...	2	0	0
,,	60		.....	80		...	2	8	0
,,	80		.....	100		...	3	0	0
,,	100		.....	150		...	3	8	0
,,	150		.....	200		...	4	0	0
,,	200		.....	250		...	4	8	0
,,	250		.....	300		..	5	0	0
,,	300		.....	350		...	5	8	0
,,	350		.....	400		...	6	0	0

Calcutta, 1852 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. II. OF 1852.

Passed by the Hon'ble the President of the Council of India in Council, on the 2nd January 1852, with the assent of the Most Noble the Governor General of India.

An Act for the collection of Land Customs on certain Foreign Frontiers of the Presidency of Bombay.

WHEREAS it is expedient to provide for the collection of Land Customs on certain Foreign Frontiers, It is enacted as follows:

I. Duties of Customs shall be levied on Goods passing by land into or out of Foreign European Settlements, situated on the line of Coast within the limits of the Presidency of Bombay, at the rates prescribed in the Schedules of Act I. of 1852, at the ports of that Presidency.

II. The Governor of the Presidency of Bombay in Council may declare, by notice to be published in the official Gazette of that Presidency, that the Territory of any Native Chief, not subject to the jurisdiction of the Courts and Civil Authorities of that Presidency, shall be deemed to be Foreign Territory, and may declare Goods passing into or out of such Territory, liable either to the Duty fixed by the Schedules of Act I. of 1852 for Goods imported or exported at the ports of that

Presidency, or to double the said Duties as the Governor of Bombay in Council may think fit.

III. For the levy of Duties of Customs as above provided on Goods exported by land to, or imported by land from, such Foreign Territories, Customs Stations may be established at such places as may be determined by the said Governor of Bombay in Council; and every Officer at every such Station shall have power to detain Goods passing into or out of any such Foreign Territory, and to examine and ascertain the quantities and kinds thereof; and such Goods shall not be allowed to pass across the Frontier line out of or into the Territory of the East India Company, until the owner or person in charge thereof shall produce and deliver a certificate shewing that the Customs Duty leviable thereupon has been paid.

IV. Any Officer of Sea Customs may receive money on account of Customs, and grant certificates of the payment thereof; and any such certificate, being delivered to any Station Officer, shall entitle the Goods therein mentioned to cross the Frontier into or out of the East India Company's Territories, provided that the Goods correspond with the specification thereof contained in such certificates, and that the certificates shew the entire amount of Duty leviable on those Goods to have been duly paid; and if upon examination the Goods brought to any Station be found not to correspond with the specification entered in the certificate presented with the same, the difference shall be noted on the face of the certificate; and if the payment of Duty certified therein shall not cover the entire amount of Duty leviable on the Goods, as ascertained at such examination, the Goods shall be detained until further certificate for the difference shall be produced.

V. The said Governor of Bombay in Council shall appoint proper Officers to receive Customs Duties on Goods crossing the Land Frontier

of

of the said Foreign Territories; and the Officers so appointed shall, on the receipt of money tendered as Customs Duty, be bound to give any merchant or other person applying for the same a certificate of payment, and to enter therein the specification of Goods, with the values and description thereof, according to the statement furnished by the person so applying; provided only, that the proper Duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

VI. No certificate shall be received at any Station that shall bear date more than thirty days before the date when the Goods arrived at such Station; but any person, who has taken out a certificate from any authorized Receiver of Customs Duties, shall be entitled, at any time within the said period of thirty days, on satisfying such Receiver that such certificate has not been used, and on delivering up the original, to receive a renewed certificate with a fresh date without further payment of Duty.

VII. The said Governor of Bombay in Council may prescribe, by public notice in the official Gazette of the Presidency of Bombay, by what ways Goods shall be allowed to pass into or out of any such Foreign Territory, as is described in Sections I. and II. of this Act; and after such notice, Goods which may be brought to any Station established on other roads or passes than those so prescribed, shall, if provided with a certificate, be sent back, and if not provided with a certificate, shall be detained, and shall be liable to confiscation by the Collector of Customs, unless the person in charge thereof shall be able to satisfy the said Collector that his carrying them by that road or pass was from ignorance or accident.

VIII. Goods unlawfully passed, or attempted to be passed unlawfully, across any Frontier guarded by Stations, between sunset and sunrise, shall be seized and confiscated.

IX. Any

IX. Any Station Officer who shall permit Goods to pass across the Frontier, when not covered by a sufficient certificate, or who shall permit Goods to pass by any road or pass other than the prescribed ways, shall be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding six months and to a fine not exceeding five hundred Rupees, commutable, if not paid, to imprisonment for a further period of six months.

X. Any Station Officer who shall needlessly and vexatiously injure Goods under the pretence of examination, or in the course of his examination, or who shall wrongfully detain Goods for which there be produced a sufficient certificate, shall, on conviction before any Magistrate, be liable to imprisonment for any term not exceeding six months, and to a fine not exceeding five hundred Rupees, commutable, if not paid, to imprisonment for a further period of six months.

XI. All confiscations and penalties under this Act may be adjudicated, by Officers competent to adjudicate, like confiscations and penalties under Act I. of 1852, and such Officers shall be subject to the same liabilities and rules in adjudicating such penalties and confiscations as they are subject to when adjudicating the like confiscations and penalties under the provisions of the aforesaid Act.

Calcutta, 1852 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. III. OF 1852.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th January 1852, with the assent of the Most Noble the Governor General of India.

An Act to amend the law relating to spirituous and intoxicating liquors, drugs, and preparations within the Territories subordinate to the Presidency of Bombay.

WHEREAS Chapters XI. and XII. of Regulation XXI. of 1827 of the Bombay Code have been found to be difficult of application in some parts of the territories subordinate to the Presidency of Bombay, owing to local and peculiar causes, It is enacted as follows:

I. The Governor of Bombay in Council may introduce into any part of the said territories such arrangements for the assessment and collection of the revenue derivable from the manufacture and retail sale of spirits as local circumstances in each case, in the judgment of the said Governor in Council, may require, the same not being inconsistent or incompatible with the provisions of this Act.

II. The licences mentioned in Section LVIII., Clause 1, Regulation XXI. of 1827 of the Bombay Code may be granted by the Collector at his

 discretion

discretion, for the manufacture of spirits at any place within his Collectorate, whether a sudder distillery be there established or not.

III. It shall not be imperative on the Collector to accept the highest offer for the farm of the Abkaree duties under Section LX., Clause 2, Regulation XXI. of 1827 of the said Code, but the Collector shall be at liberty to use his discretion as to the tender he will accept under the general instructions of Government.

IV. No person shall directly or indirectly retail in the said territories spirits, however or wheresoever manufactured, except under the authority of a licence from the Collector, to be granted in the form of Appendix I. to the said Regulation XXI. of 1827, or in such form, and after payment of such fee, as Government may from time to time appoint.

V. Spirits may be manufactured in the said territories for exportation or removal under a licence from the Collector, but not otherwise; and such licence, when granted, shall specify the spirit so authorized to be manufactured, the place at which, and the period for which the manufacture may be carried on, and that the same is permitted for the purpose of removal or exportation only.

VI. Spirits manufactured under the last Section shall not exceed the strength which may, from time to time, be declared by public notification in each district, and shall be liable to the payment of such duty as the Governor in Council shall, from time to time, impose. Liquor found to exceed the prescribed standard shall be liable to double duty, or confiscation, at the discretion of the Collector.

VII. Spirits manufactured under the fifth Section of this Act, shall not be removed from the place of manufacture, except under a pass from the

the Collector, certifying the payment of the aforesaid duty, and specifying the name of the person exporting or removing the same, the quantity of spirits, their destination, the route by which they are to be conveyed, and the dates from and to which the pass shall be in force, which pass shall exempt the spirits lawfully removed under it from the payment of any further duty in their progress through the same territories, excepting always such import or Customs duty, if any, as may be payable at the place of their destination under any Act or Regulation now or hereafter to be in force.

VIII. The Collector may place such establishments on the premises where the manufacture of spirits for exportation or removal is permitted, and may adopt such other precautions as may be necessary to give effect to the provisions of this Act having reference thereto.

IX. Spirits imported by land from any part of the territories of the East India Company, whether subordinate to the Government of Bombay or not, into any other part of the said territories subordinate to the said Government, shall be liable on importation to the same rate of duty, under the same circumstances and rules as are provided in Section XX. of Act No. I. of 1852, for amending the Customs laws of the Bombay Presidency with respect to spirits imported by sea.

X. It shall not be lawful, in any part of the territories subject to the Government of Bombay, to manufacture or prepare for sale, or sell directly or indirectly, any intoxicating drugs or materials, or any intoxicating drink or preparation manufactured from Bhang, Ganja, Grain, Opium or other materials, of what nature or description soever, except under a licence from the Collector of the Zillah, and it shall be competent to the Collector to refuse or to re-call such licence whenever he shall deem it expedient, and every such licence when granted shall specify the name of the

the drug, material, drink, or preparation so authorized to be manufactured or sold, the place or district of manufacture or sale, and the length of time for which such licence is to run, and any other terms or conditions which the Governor of Bombay in Council may from time to time deem it expedient to require, and such fees shall be demanded from time to time, on the grant of such licences, as the said Governor in Council may sanction.

XI. It shall not be lawful to mix any noxious drug or material in, or by other process to adulterate spirits manufactured under the provisions of the said Regulation XXI. of 1827, or of this Act.

XII. All persons offending against, or aiding others in offending, directly or indirectly, against any of the provisions of this Act, or committing a breach of any of the conditions of a licence to be granted under this Act, or obstructing Officers or others in the execution of their duties connected with any of its provisions, shall be punished by fine not exceeding Rupees five hundred, to be commuted, in default of payment, to imprisonment not exceeding six months; and any person having in his possession intoxicating drinks or preparations manufactured contrary to the provisions of this Act, or for which he is unable satisfactorily to account, shall be deemed to be possessed of them illegally, and shall be subject to the penalties above specified.

XIII. The powers conferred on the Collector by Chapter XIII. of the said Regulation XXI. of 1827, shall extend and be applicable to the provisions of this Act, so far as the same are capable of being so applied.

XIV. The Collector shall have full powers to seize and destroy all unlicensed liquor, preparations, drugs, or materials, and all unlicensed stills, and to sell the same, if deemed expedient, on behalf of Government.

XV. The

XV. The duties, powers, and authorities hereby vested in the Collector shall devolve upon, and may be lawfully exercised by the officer specially appointed under Section LV. of the said Regulation XXI. of 1827, for the purposes herein mentioned.

XVI. The powers vested in the Collectors of Land Revenue by Chapter XIII. of the said Regulation XXI. of 1827, and by Sections XII., XIII. and XIV. of this Act, may be exercised by Mamlutdars and Mahalkurrees; provided always, that those Officers shall not be authorized to adjudge any fine exceeding Rupees fifteen in amount, commutable, in default of payment, to twenty days' imprisonment; and provided further, that any order passed by a Mamlutdar or Mahalkurree in virtue of this Act shall be subject to appeal to the Collector or his Assistants, within one month from its date, and that no suit for damages shall be instituted in a Civil Court by persons deeming themselves aggrieved by any proceeding of a Mamlutdar or Mahalkurree under the authority of this Act, unless they shall first have made an appeal to the Collector or his Assistants.

XVII. In all actions or civil suits which may be brought against Collectors, Magistrates, or others for acts done by them in carrying out the provisions of this Act, or the provisions of the said Regulation XXI. of 1827, if it shall appear at the trial that the act complained of was done *bonâ fide*, and that there were reasonable and probable grounds for the same, the plaintiff shall be nonsuited with full costs to be paid by him.

XVIII. This Act shall not have effect within the local jurisdiction of Her Majesty's Supreme Court.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. IV. OF 1852.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th January 1852, with the assent of the Most Noble the Governor General of India.

An Act to amend the law relating to emigrant vessels and the emigration of labourers.

WHEREAS by Section VIII., Act XXI. of 1844, it was among other things enacted, that no ship or vessel carrying emigrant labourers to Jamaica, British Guiana, or Trinidad, should sail from Calcutta, Madras, or Bombay, at any other time than between the 30th day of any September and the 1st of March next thereafter ensuing: and whereas the said provision was repealed by Act XXV. of 1845, so far as regarded vessels carrying emigrant labourers from Madras, and has been found inconvenient for vessels carrying emigrant labourers from Calcutta; and whereas it is expedient to amend the law relating to the height between decks in emigrant vessels; and whereas by Section I., Act XXI. of 1843, it was enacted, that emigration to Mauritius should only lawfully take place under the provisions of Act XV. of 1842, from the Port of Calcutta; and whereas by Act VIII. of 1847, the emigration of labourers from the Port of Madras to Mauritius was declared lawful, and it is now expedient to repeal Section I., Act XXI. of 1843, and to render lawful the emigration of labourers from the Port of Bombay to Mauritius, It is enacted as follows:

I. So much of Act XXI. of 1844 as is hereinbefore recited, is repealed, so far as regards ships or vessels carrying emigrant labourers from Calcutta.

II. No

II. No ships or vessels carrying emigrant labourers to Jamaica, British Guiana, or Trinidad, shall sail from Calcutta at any other time than between the thirty-first day of any August and the first day of March next thereafter ensuing.

III. No ship or vessel carrying emigrants and having more than one deck, shall have less than the height of five feet and six inches at the least between decks, and in case such ship or vessel shall have only one deck, a platform shall be laid beneath such deck in such manner as to afford a space of the height of five feet and six inches at the least, and such platform shall not be so laid as that the lower beams shall project above the same, and whatever may be the tonnage of the ship or vessel, no greater number of emigrant labourers shall be taken on board such ship or vessel than shall be after the rate of one emigrant labourer for every seventy-two cubic feet of space between decks, or between the deck and platform, unoccupied by goods or stores not being the personal luggage of such emigrant labourers, anything in Act XV. of 1842, or in the Schedule therein mentioned, to the contrary notwithstanding.

IV. Section I., Act XXI. of 1843 is hereby repealed, and from and after the passing of this Act, emigration to Mauritius may lawfully take place under the provisions of Act XV. of 1842 from the Port of Bombay, as well as from the Ports of Madras and Calcutta.

V. The Governor in Council of Bombay may nominate a proper person to act as Protector of Emigrants at Bombay, and no emigrant shall be permitted to embark without a certificate from the Agent appointed by the Government of Mauritius, countersigned by the Protector, to the effect that such person has been engaged by such Agent, on the part of the said Government, as an emigrant to Mauritius.

Calcutta, 1852 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. V. OF 1852.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th January 1852, with the assent of the Most Noble the Governor General of India.

An Act for giving effect to the provisions of an Act of Parliament, passed in the 15th year of the reign of Her present Majesty, entituled "An Act for Marriages in India."

WHEREAS by an Act passed in the Session of Parliament holden in the Fourteenth and Fifteenth years of the reign of Her present Majesty, entituled, "An Act for Marriages in India," it was enacted (among other things) that it should be lawful for the Governor General of India in Council from time to time, by laws and Regulations, (not inconsistent with the provisions of the said Act of Parliament,) to be made in the manner, and subject to the Provisions by law required in respect of laws and Regulations made by the said Governor General of India in Council, to provide for the inspection and publication of Notices of Marriage given under the said Act of Parliament, for the Custody and Protection from Injury of Marriage Register Books, for appeals from and references in case of doubt by the Marriage Registrars in relation to Marriages forbidden or Protests entered under the said Act of Parliament, for fixing the hours between which Marriages might be solemnized under the said Act of Parliament, for appointing the Officers to whom Certificates were

to be transmitted by the Marriage Registrars, and generally for giving effect to the provisions of the said Act of Parliament, It is hereby enacted as follows:

Form of Notice and length of Residence necessary.

I. In every case of Marriage intended to be solemnized in India, after the first day of February next, under the provisions of the said Act of Parliament, one of the parties shall give Notice in writing, in the form of Schedule (A.) to this Act annexed, or to the like effect, to any Marriage Registrar of the District within which the parties shall have dwelt for not less than five days, then next preceding, or, if the parties dwell in different Districts, shall give the like Notice to a Marriage Registrar of each District, and shall state therein the name, and surname, and the profession, or condition of each of the parties intending Marriage, the dwelling-place of each of them, and the time, not being less than five days, during which each has dwelt therein, and the Church, Chapel, or other building in which the Marriage is to be solemnized; provided that if either party shall have dwelt in the place stated in the Notice during more than one Calendar month, it may be stated therein that he or she hath dwelt there one month and upwards.

Inspection of Notices.

II. The Marriage Registrar shall file all such Notices, and keep them with the Records of his Office, and shall also forthwith enter a true copy of all such Notices fairly into a book, to be for that purpose furnished to him by the Government, to be called the "Marriage Notice Book," and the Marriage Notice Book shall be open, at all reasonable times, without Fee, to all persons desirous of inspecting the same.

Publication of Notices.

III. The Marriage Registrars, or Registrar of all Districts in the British Territories in India, shall respectively publish all such Notices of Marriage given in their respective Districts by

by causing a copy of such Notices to be affixed in some conspicuous place in their respective offices, or, where such Registrars are Ministers of the Christian Religion, ordained or otherwise set apart to the Ministry of the Christian Religion, such Notices shall be affixed in some conspicuous place in the Church or Chapel or place of worship in which such Ministers respectively officiate. When one of the parties intending Marriage (not being a widow or widower) is under twenty-one years of age, every Marriage Registrar shall, within twenty-four hours after the receipt by him of the Notice of such Marriage, send, or cause to be sent, by the Post or otherwise, a copy of such Notice to all the other Marriage Registrars (if any) in the same District, who shall likewise affix the same in some conspicuous place in their own offices or Chapels as aforesaid.

Suspension of Certificate in the case of Minors.

IV. Where by the oath or declaration required by the sixth Section of the said Act of Parliament, it appears that one of the parties intending Marriage (not being a widow or widower,) is under twenty-one years of age, the Marriage Registrar shall not issue his Certificate under the provisions of the second Section of the said Act of Parliament until the expiration of fourteen days after the entry of such Notice of Marriage.

Supreme Court may order Registrar to issue his Certificate in less than fourteen days.

V. When one of the parties intending Marriage (not being a widow or widower) is under twenty-one years of age, and both parties intending Marriage are at the time resident in any of the Towns of Calcutta, Madras, or Bombay, and are desirous of being married in less than fourteen days after the entry of such Notice as aforesaid, it shall be competent for both parties intending Marriage to apply by petition to the Supreme Court of such Town, or any Judge thereof, for an order upon the Marriage Registrar to whom the Notice of Marriage has been given, directing him to issue

issue his Certificate at some time before the expiration of the said fourteen days required by Section IV. of this Act. And it shall be competent to the said Supreme Court, or any Judge thereof, on sufficient cause being shown, in their or his discretion, to make an order upon such Marriage Registrar, directing him to issue his Certificate, at any time to be mentioned in the said order, before the expiration of the said fourteen days required by Section IV.; and the said Marriage Registrar, on receipt of the said order, shall proceed to issue his Certificate in accordance therewith.

Form of Certificate.

VI. The Certificate to be issued by the Marriage Registrar, under the provisions of the second Section of the said Act of Parliament, may be in the form of Schedule B. to this Act annexed, or to the like effect, and the Government of each Presidency or Place shall furnish to every Marriage Registrar, a sufficient number of Forms of Certificate.

Notice and Certificate to be translated to Native Christians.

VII. When any Native Christian about to be married, applies for or tenders a Notice of Marriage, or applies for a Certificate from a Marriage Registrar, such Marriage Registrar shall ascertain whether the said Native Christian understands the English language, and if he does not, the said Marriage Registrar shall translate such Notice or Certificate, or both of them, as the case may be, or shall cause the same to be translated to such Native Christian, in the language of such Native Christian, or the said Marriage Registrar shall otherwise ascertain whether such Native Christian is cognizant of the purport and effect of the said Notice and Certificate.

How issue of Certificate may be forbidden.

VIII. Any person authorized in that behalf may forbid the issue of the Marriage Registrar's Certificate, by writing, at any time before the issue of such Certificate, the word "forbidden" opposite to the Entry of the Notice of such intended Marriage

Marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her character, in respect of either of the parties, by reason of which he or she is so authorized, and the said word "forbidden," so written and subscribed as aforesaid, shall be deemed a protest, within the meaning of the seventh Section of the said Act of Parliament.

References by the Registrars in cases of doubt.

IX. In all cases where a Marriage Registrar, acting under the provisions of the fourth Section of the said Act of Parliament, shall not be satisfied that the person forbidding the issue of the Certificate is authorized by law so to do, the said Marriage Registrar shall apply by petition, which may in all cases be on unstamped paper, where the district of such Registrar is within any of the Towns of Calcutta, Madras, and Bombay, to the Supreme Court of Judicature in the Presidency or place within which such district is comprised, or if such district be not within any of the said Towns, then to the Judge of the Zillah or District within which the same is comprised, and the said petition shall state all the circumstances of the case, and pray for the order and direction of the Court concerning the same, and the said Supreme Court, or any Judge thereof, or such Judge of the Zillah or District, shall be empowered to examine into the allegations of the Petition and the circumstances of the case in a summary way, and if upon such examination it shall appear that the person forbidding the issue of such Certificate is not authorized by law so to do, such Supreme Court, or any Judge thereof, or such Judge of the Zillah or District, shall declare that the person forbidding the issue of such Certificate is not authorized as aforesaid, and that then and in such case such Certificate shall be issued, and the like Proceedings may be had under the said Act of Parliament in relation to such Marriage as if the issue of such Certificate had not been forbidden by such person. And in all cases where a Marriage Registrar, appointed to act within the Territories of any Native Prince or State in

alliance with the East India Company acting under the provisions of the sixth Section of the said Act of Parliament, shall not be satisfied that the person forbidding the issue of the Certificate is not authorized by law so to do, the said Marriage Registrar shall transmit a statement of all the circumstances of the case, together with all documents and papers relating thereto, to the Governor General of India in Council, and if it shall appear to the said Governor General of India in Council that the person forbidding the issue of such Certificate is not authorized by law so to do, the said Governor General of India in Council shall declare that the party forbidding the issue of such Certificate is not authorized as aforesaid, and that then and in such case such Certificate shall be issued, and the like Proceedings may be had under the said Act of Parliament in relation to such Marriage, as if the issue of such Certificate had not been forbidden by such person.

Appeal where Registrar in Allied Native State refuses Certificate.

X. In all cases whatsoever where a Marriage Registrar resident in the Territories of any Native Prince or State in alliance with the East India Company has refused to issue his Certificate, it shall be lawful for either of the parties intending Marriage to apply by Petition to the Governor General of India in Council, and the said Governor General of India in Council shall be empowered to examine the allegations of the Petition in a summary way, and shall decide thereon, and the decision of the said Governor General of India in Council shall be final, and the Marriage Registrar, to whom the application was originally made, shall proceed in accordance therewith.

Hours for Marriages.

XI. Every Marriage solemnized under the provisions of the said Act of Parliament shall be so solemnized between the hours of six in the morning and seven in evening.

XII. When

Declarations made at the Marriage to be translated to Native Christians.

XII. When any Native Christian is married under the provisions of the said Act of Parliament, the party solemnizing the said Marriage shall ascertain whether such Native Christian understands the English language, and if he does not, the party solemnizing the said Marriage shall, at the time of the solemnization thereof, translate, or cause to be translated, to such Native Christian, in the language of such Native Christian, both the declarations made at such Marriage in pursuance of Section IX. of the said Act of Parliament.

Proof as to Notice, Certificate or Hours of Marriage, &c., not necessary to establish Marriage.

XIII. After any Marriage has been solemnized under the said Act of Parliament, it shall not be necessary, in support of such Marriage, to give any proof in respect of the Notice of Marriage, or the Certificate, or the translation thereof respectively, or in respect of the hours between which any Marriage may be solemnized, or in respect to the said translations of the said declarations in Section IX. of the said Act of Parliament contained, nor shall any evidence be given to prove the contrary, in any suit touching the validity of such Marriage.

Penalties.

XIV. Every Marriage Registrar who shall knowingly and wilfully issue any Certificate for Marriage after the expiration of three Calendar months after the Notice shall have been entered by him as aforesaid, or who shall knowingly and wilfully issue, without the order of a competent Court authorizing him so to do, any Certificate for Marriage where one of the parties intending Marriage (not being a widower or widow) is under twenty-one years of age before the expiration of fourteen days after the entry of such Notice, or any Certificate the issue of which shall have been forbidden as aforesaid by any person authorized to forbid the issue thereof, shall be guilty of felony. And every person who shall knowingly and wilfully solemnize any Marriage

riage under the provisions of the said Act of Parliament in the absence of a Registrar of the District in which such Marriage is solemnized, or who shall knowingly and wilfully solemnize any Marriage where one of the parties to such Marriage (not being a widower or widow) is under twenty-one years of age within fourteen days after the entry of the Notice of Marriage, no order for the issue of a Certificate in less than fourteen days having been made by a competent Court, shall be guilty of felony.

Certificates of Marriages in Allied Native States to be transmitted to Secretary, &c.

XV. The Marriage Registrars in the Territories of any Native Prince or State in alliance with the East India Company, shall transmit the Certificates mentioned and referred to in the twelfth Section of the said Act of Parliament to the Secretary for the Foreign Department of the Government of India.

Punishment for making false oath or declaration.

XVI. Every person who shall knowingly and wilfully make any false oath or declaration, or sign any false Notice or Certificate, required by the said Act of Parliament or this Act, for the purpose of procuring any Marriage, and every person who shall forbid the issue of a Marriage Registrar's Certificate, by falsely representing himself or herself to be a person whose consent to such Marriage is required by law, knowing such representation to be false, shall, on conviction, suffer the penalties of Perjury.

Limitation of Prosecution.

XVII. Every prosecution under this Act shall be commenced within the space of two years after the offence committed.

Appointment of Registrars in Allied Native States, and as to their fees.

XVIII. The Governor General of India in Council may appoint any Covenanted or Uncovenanted Servant of the Company, being a Christian, or any Minister of the Christian religion, ordained, or otherwise set apart to the Ministry of the Christian

Christian religion, according to the usage of the persuasion to which he may belong, to be a Marriage Registrar in any District, to be assigned by the Governor General of India in Council in any place within the Territories of any Native Prince or State in alliance with the East India Company. And the said Marriage Registrar shall be entitled to receive the following fees; that is to say, for receiving each Notice of Marriage, one rupee, for publishing each Notice of Marriage, two rupees, for the issuing of each Certificate, five rupees, for every Marriage forbidden or Protest entered, ten rupees, and for registering each Marriage, three rupees, and all such fees shall be accounted for and paid over by the Marriage Registrar to the Government Treasury as in the said Act of Parliament mentioned. Provided always, that in any case in which it shall appear to the satisfaction of the Marriage Registrar, that the parties intending Marriage, or married, under the provisions of the said Act of Parliament, are in indigent circumstances, it shall and may be lawful for the said Marriage Registrar, in his discretion, to remit some part, but not more than three-fourths, of the said fees respectively, and in each and every such case of remission of fees, the Marriage Registrar shall report the circumstances thereof, and the grounds on which the remission is made, for the information of the Governor General of India in Council.

Salaries of Registrars.

XIX. It shall be lawful for the Government of each Presidency or Place to pay any one Marriage Registrar of Calcutta, Madras and Bombay, or of any other District where a considerable number of persons likely to avail themselves of this Act are resident, such salary as they shall think fit, not exceeding the sum of Co.'s Rs. fifty per month.

Provision in case of illness, &c., of Marriage Registrar.

XX. When there is only one Marriage Registrar in a District, and such Registrar is absent from such District, or ill, or in case of the death of the only Marriage Registrar in a District, or

of any temporary vacancy in such office, the Magistrate of such District shall act as, and be, Marriage Registrar thereof, during such absence, illness, or temporary vacancy as aforesaid.

Searches may be made and Certificates given.

XXI. Every Marriage Registrar, or other person who shall have the custody for the time being of the Register of Marriages under this Act, shall at all reasonable times allow searches to be made of any Register Book in his custody, and shall give a copy, certified under his hand, of any entry or entries in the same, on the payment of the fees hereinafter mentioned, (that is to say,) for every search extending over a period of not more than one year, the sum of one rupee, and four annas additional for every additional year, and the sum of one rupee for ever single Certificate, and all such fees shall be accounted for and paid over by the Marriage Registrar to the Government Treasury.

Penalty for destroying or falsifying Register Book, &c.

XXII. Every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such Register Book, or the counterfoil Certificates thereof, or any part or certified copy thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of such Register Book, or of such counterfoil Certificates, or of certified copies thereof, or shall wilfully insert or cause to be inserted, in any Register Book, or counterfoil copy or certified copy thereof, any false entry of any Marriage, or shall wilfully give any false Certificate, or shall certify any writing to be a copy or extract of any Register Book, or counterfoil copy thereof, knowing the same Register Book or counterfoil copy to be false in any part thereof, shall be guilty of felony.

Accidental errors may be corrected.

XXIII. Any person charged with the duty of registering any Marriage, who shall discover any error to have been committed in the form or substance of any such entry, may, within

one

one calendar month next after the discovery of such error, in the presence of the parties married, or, in case of their death or absence, in the presence of two other credible witnesses, who shall respectively attest the same, correct the erroneous entry according to the truth of the case, by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made, and he shall make the like marginal entry, attested in the like manner, in the counterfoil Certificate thereof, to be made by him as in the said Act of Parliament mentioned, and in case such counterfoil Certificate shall have been already transmitted to the Secretary of Government of the Presidency or Place within which he resides, he shall make and transmit in like manner a separate counterfoil Certificate of the original erroneous entry, and of the marginal correction therein made.

Certain Registers of Marriage may be kept as heretofore.

XXIV. Nothing in this Act contained shall be construed to extend to the Registration of Marriages which may be solemnized in India by persons in Holy Orders, or under the provisions of the Act of the 58th year of King George the Third, Chapter 84, or to the Registration of any Marriage solemnized between any two persons professing the Jewish religion, and nothing herein contained, shall affect the right of any Officiating Minister to receive the fees now usually paid for the performance or registration of any Marriage.

Petitions to be on unstamped paper.

XXV. All petitions presented in pursuance of Section V. of the said Act of Parliament, may be so presented on unstamped paper.

Commencement of Act.

XXVI. This Act shall commence and take effect from and after the first day of February 1852.

SCHEDULE (A.)

ACT No. V. OF 1852.

SCHEDULE (A.)

NOTICE OF MARRIAGE.

To *Mr. John Cox*, a Registrar of the District of *Calcutta* in *Bengal.*

I hereby give you Notice, that a Marriage is intended to be had, within three Calendar Months from the date hereof, between me and the other party herein named and described.

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, place of worship, or building in which Marriage is to be solemnized.	District in which the other Party resides when the Parties dwell in different Districts.
James Smith,...	*Widower,*	*Carpenter,*	*Of Full Age,.....*	16, *Clive Street,* ...	23 *Days,...*	*Union Chapel, Dhurrumtollah.*	
Martha Green,	*Spinster,...*	.....	*Minor,...*	20 *Hastings' Street,* ...	*More than a Month,...*		

Witness my Hand this *Sixth* Day of *May, One Thousand Eight Hundred and Fifty-two.*

(Signed) *James Smith.*

(The *Italics* in this Schedule to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the Parties lives in another District.)

SCHEDULE (B.)

REGISTRAR'S CERTIFICATE.

I, *John Cox*, a Registrar of the District of *Calcutta* in *Bengal*, do hereby Certify, that on the 6*th* day of *May*, Notice was duly entered in my Marriage Notice Book of the said District of the Marriage intended between the parties therein named and described, delivered under the Hand of *James Smith* one of the Parties, (that is to say,)

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, place of worship, or building in which the Marriage is to be solemnized.	District in which the other Party dwells when the Parties dwell in different Districts.
James Smith,...	*Widower,*	*Carpenter,*	*Of Full Age,.....*	16, *Clive Street,* ...	23 *Days,..*	*Union Chapel, Dhurrumtollah.*	
Martha Green,	*Spinster,...*	.....	*Minor,*	20 *Hastings' Street,...*	*More than a Month,*		

Date of Notice entered 6*th May* 1852.

Date of Certificate given 20*th May* 1852.

} The Issue of this Certificate has not been forbidden by any Person authorized to forbid the issue thereof.

Witness my Hand this *Twentieth* Day of *May, One Thousand Eight Hundred and Fifty-two.*

(Signed) *John Cox*, Registrar.

This Certificate will be void unless the Marriage is solemnized on or before the 6*th* day of *August* 1852.

(The *Italics* in this Schedule to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the Parties lives in another District.)

Calcutta, 1852 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. VI. OF 1852.

Passed by the Governor General of India in Council, on the 30th January 1852.

An Act for defraying the Cost of a Light-House on Pedra Branca.

WHEREAS it has been deemed expedient, for the safety and guidance of Ships navigating the China Seas, to build a Light-House on the Island Rock called Pedra Branca, situated at the Eastern entrance of the Straits of Singapore; And whereas certain sums of money were subscribed by private individuals for that purpose, but the same were insufficient to defray the expense of building such Light-House; And whereas the East India Company agreed to build such Light-House, and to advance certain sums of money to complete the same, on condition that the said sums of money were repaid to them by the levy of a toll on Ships entering the harbour of Singapore; And whereas the said Light-House has been built by the East India Company, and it is desirable that the expense of building the same, and of maintaining a Light thereon, should be defrayed out of the monies arising from such toll; And whereas it may hereafter be deemed expedient to establish other Lights or beacons in the Straits of Malacca, or elsewhere near thereto, It is enacted as follows:

I. The Light-House on Pedra Branca aforesaid shall be called "The Horsburgh Light-House," and the said Light-House, and the appurtenances thereunto belonging or occupied for the purposes thereof, and all the fix-

tures,

tures, apparatus, and furniture belonging thereto, shall become the property of, and absolutely vest in, the East India Company and their successors.

II. From the first day of March 1852, every Ship, being of the burden of fifty tons and upwards, which shall arrive at, or enter the harbour or roadstead of Singapore, from any part of the world, shall pay a toll of three cents of a dollar per ton for every ton of her registered burden or tonnage; Provided always that no Ship shall pay such toll more than once in every six calendar months.

III. All Ships of War belonging to Her Britannic Majesty, or any Foreign Government or State, and all armed Ships belonging to the East India Company, shall be exempt from the payment of such toll.

IV. The management and controul of the said "Horsburgh Light-House," and of the keeper thereof, and of everything relating thereto, is hereby vested in the Governor of the Straits Settlements.

V. The said Governor may appoint any person he may think fit, to be a Collector of the tolls, payable under this Act.

VI. Out of the funds raised by such tolls, an efficient Light shall be constantly kept up and exhibited during the night-time in and from the said Light-House, and the surplus monies arising from such tolls, after deducting the expense of maintaining such Light as aforesaid, shall, from time to time, be paid over to the said East India Company, in liquidation of the monies they have advanced towards the erection and completion of the said Light-House, and the apparatus and furniture thereof.

VII. The toll to be levied under this Act shall become due and payable immediately on the arrival of every Ship liable thereto within the harbour

harbour or roadstead of Singapore; and, immediately on the arrival of any such Ship within the said harbour or roadstead, the Collector appointed under this Act shall demand, or cause to be demanded, from the Master or other person in command of such Ship, payment of the toll of three cents of a dollar per ton for every ton of the registered burden or tonnage of such Ship, and if the same be not paid within two days after such demand made as aforesaid, or if, at any time after the arrival of such Ship as aforesaid, the said Collector shall have cause to suspect, or believe, that such Ship will immediately leave the said harbour or roadstead without paying such toll, it shall be lawful for any Justice of the Peace, upon an affidavit to that effect being made before him on oath by such Collector (which oath the said Justice is hereby authorized to administer), to issue his Warrant under his hand, directed to any Peace Officer of Singapore aforesaid, to enter on board such Ship and to seize and carry away any of the Goods, Merchandize, Guns, Tackle, Apparel or Furniture of or belonging to or on board such Ship, and to keep the same for the space of three days then next, unless the said toll shall be in the mean time paid; and in case the amount of the toll due by such Ship shall not before the expiration of such three days have been paid, then the said Collector may cause the said Goods, Merchandize, Guns, Tackle, Apparel or Furniture so seized to be sold, and out of the proceeds of such sale shall pay the amount of the said toll to which such Ship shall be liable, together with the reasonable charges of the seizure, detention, and sale, rendering to the Master or Owner, or other person having the command of such Ship, the overplus (if any) on demand.

VIII. The Officer of Government whose duty it shall be to grant a Port-clearance for any Ship clearing out of or leaving the port of Singapore aforesaid, shall refuse to grant such Port-clearance to any Ship until the Owner, Agent, Master or other person in command of such Ship shall produce a certificate from the Collector appointed under this Act that such

such Ship has paid the amount of toll to which she is liable under this Act.

IX. Notwithstanding anything in this Act contained, the said Collector appointed under this Act, may sue for and recover the amount of any tolls payable to him under this Act, by action of debt or suit in Equity in any of Her Majesty's Courts in India, against the Owner, or Master, or other person who, at the time of default made in the payment of such toll, owned or had the command of any Ship liable thereto.

X. In order to ascertain the exact burden or tonnage of any Ship liable to pay the toll leviable under this Act, the Collector appointed under this Act may apply to any Justice of the Peace to require, and such Justice of the Peace shall thereupon summon and require the Owner, Master, or other person in command of such Ship, or any person having possession of the same, to produce the register of such Ship for the inspection of such Justice, and upon the refusal or neglect of any such Owner, Master, or person to produce such register, it shall be lawful for such Justice to adjudge such Owner, Master, or person to pay a fine not exceeding one hundred dollars, and in default of payment, to be imprisoned in Her Majesty's Gaol for any period not exceeding two calendar months.

XI. When and so soon as the monies to be advanced by the said East India Company towards the erection and completion of the said Light-House shall have been fully repaid and liquidated in manner herein provided for, it shall be competent for the Governor of the Straits Settlements to build, or cause to be built, one or more other Lights or beacons for the safety and guidance of Ships in such part or parts of the Straits of Malacca, or near thereto, as shall be deemed expedient, and the cost thereof, and of maintaining the same, and of keeping up and exhibiting a Light

or Lights therefrom, shall be defrayed out of the surplus monies arising from the toll payable under this Act, after defraying the current expenses of maintaining the "Horsburgh Light-House" aforesaid.

XII. Nothing in this Act contained shall be construed to authorize the levy of a toll upon any Ship passing through the Straits of Singapore and not entering the said harbour or roadstead of Singapore aforesaid.

XIII. The word "Ship" throughout this Act mentioned, shall be held to mean and include a Schooner, Cutter, Brig, Brigantine, Barque, Junk, Steam-Boat, and every other Vessel, as well as a Ship; and words importing the singular number only shall include the plural number, and words importing the plural number only shall include also the singular number, and words importing the masculine gender shall extend to females, unless there be something in the subject or context repugnant to such construction.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. VII. OF 1852.

***Passed by the Governor General of India in Council, on the 6th February* 1852.**

An Act for amending Act XVII. of 1840 *as to penalties for breaches of the Salt Laws in the Madras Presidency.*

WHEREAS inconvenience has been experienced in consequence of the Head Officers of District Police in the Madras Presidency being prohibited from taking cognizance of petty offences against the Salt Laws, It is enacted as follows:

I. Heads of District Police may hear and determine cases of offences against the Salt Laws, when the value of the Salt in question shall not exceed five Rupees, and may inflict punishment not exceeding ten days' imprisonment with labour, or a fine not exceeding three Rupees, commutable, if not paid, to imprisonment with labour for a period not exceeding ten days.

II. Whenever a Head Officer of District Police shall be of opinion that the punishment which he is empowered to inflict is not adequate to the offence committed, he shall report the case to the Magistrate for his final orders, stating precisely the nature and extent of the punishment he recommends to be inflicted; and the Magistrate shall, at his discretion, issue his orders in writing to the Head Officer of Police, to inflict such punishment

punishment as the Magistrate may deem sufficient, not exceeding that declared in Act XVII. of 1840, recording his reasons, if his opinion is at variance with the opinion of the Head Officer of Police; or the said Magistrate shall order the Head Officer of Police to forward the parties and witnesses to him for further investigation.

III. If at the expiration of thirty days from the date and day of despatch of any reference from a Head Officer of District Police to a Magistrate, no answer or order of the Magistrate shall have been received by the Head Officer of Police, then the said Head Officer shall release the offenders, and the confinement which they have so had shall be considered a sufficient punishment for the said offence, and they shall not be liable to be again tried for the same.

IV. Heads of District Police shall report to the Magistrates, in the manner prescribed by Clause 2, Section XXXIII., Regulation XI. of 1816, of the Madras Code, all punishments which they inflict by the authority vested in them by this Act.

Calcutta, 1852 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. VIII. OF 1852.

Passed by the Governor General of India in Council on the 6th February 1852.

An Act for remunerating the Sheriffs of Calcutta, Madras, and Bombay, for the execution of Mofussil Process under Act XXIII. of 1840.

FOR making better provision for the Sheriffs of Calcutta, Madras, and Bombay, in remuneration for the execution of legal process issued by Courts out of the said towns respectively, It is enacted as follows:

I. The several Sudder Courts of the Presidency of Fort William in Bengal, and the Sudder Courts of the Madras and Bombay Presidencies respectively, shall make, and from time to time amend, a Table of reasonable fees, to be taken on account of the execution by the Sheriff in such Presidency of any legal process issued by any Court, Judge, or Magistrate, beyond the jurisdiction of the several Supreme Courts established by Royal Charter in Calcutta, Madras, and Bombay, and of the sums to be allowed for costs of advertisements or other notifications of sales of property, according to the amount of the decrees to be satisfied by such sales,—which fees and sums shall be payable by

by the party applying for the process before it is sent to the Sheriff for execution, and shall be deemed costs in the cause.

II. The said Table of fees and sums, when made or amended as aforesaid, shall be submitted by the Sudder Court of the Lower Provinces of the Presidency of Fort William to the Governor of Bengal, and by the Sudder Court of the North-Western Provinces of the said Presidency to the Lieutenant Governor of those Provinces, and by the Sudder Courts of Madras and Bombay respectively to the Governor in Council of the Presidencies in which such Courts respectively have jurisdiction, for his approval; and the said Table of fees and sums shall have full force and effect, and the fees and sums therein mentioned may be lawfully demanded and taken, from and after the approval thereof by the said Governor, Lieutenant Governor, or Governor in Council, as the case may be.

III. Every such Court, Judge, and Magistrate, issuing process as aforesaid, shall cause a separate account to be kept of the amount of all fees and sums so paid, and shall from time to time, as directed by Government, cause the amount thereof to be paid into the local Treasury.

IV. The Government of each of the Presidencies and Provinces aforesaid shall twice in each year account for and pay over to the Sheriff, for the time being, the amount of fees and sums so paid, after deducting all necessary expenses of receiving and keeping account thereof, and remitting the nett proceeds thereof to Calcutta, Madras, or Bombay, as the case may be; or, where the amount has accrued in the shrievalty of more than one Sheriff, shall apportion the sum paid accordingly between the Sheriff for the time being, and the then late Sheriff.

V. The

V. The said Governments respectively may compound with the Sheriff for a monthly payment to be made to him instead of such fees and sums, and during such composition may appropriate the said fees and sums to the purposes of Government.

VI. Over and above such fees and sums, or any such monthly payment received instead of such fees and sums, the Sheriff shall be entitled to a fee after the rate of Two Rupees Eight Annas for each Hundred Rupees of the value of any goods or property taken and sold by him in execution of any process issued by any Court, Judge, or Magistrate beyond the local jurisdiction of the said Supreme Courts, which fee shall be taken to cover all expenses connected with the seizure and sale, except the expense of advertisements.

VII. No fee, estimated upon the amount of the sum for which any person is taken in execution, shall be payable to the Sheriffs of Calcutta, Madras, or Bombay, or any of their Bailiffs, for taking the body of any person in execution on any process issued by any Court, Judge, or Magistrate out of the local jurisdiction of the said Supreme Courts respectively; but instead thereof, such fees shall be payable to the Sheriff for taking the body of any person in execution of any such process as shall be settled, from time to time, by the Sudder Court as aforesaid.

VIII. If any person taken in execution on any such process shall escape out of the legal custody of the Sheriff, the Sheriff shall not be liable to an action of debt for such escape, but shall be liable only to an action upon the case for damages in consequence of such escape sustained by the person or persons at whose suit the prisoner was taken.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. IX. OF 1852.

Passed by the Governor General of India in Council on the 6th February 1852.

An Act to repeal Regulation I. of 1832 *of the Bengal Code.*

WHEREAS a tract of land situated near the town of Bithoor, in the district of Cawnpore, was granted by the British Government as a jagheer during pleasure to the Maharajah Bajee Row Behadoor; and whereas by Regulation I. of 1832 of the Bengal Code, it was (among other things) enacted, that from and after the passing of that Regulation, the jurisdiction of the Courts of Civil and Criminal Judicature, and the operation of the General Regulations, should not extend to the tract of land aforesaid, and that the said Maharajah should exercise the Civil and Criminal administration of the jagheer, subject to such control as therein mentioned; and whereas the said Maharajah Bajee Row died on the 28th day of January 1851, and it is now expedient to repeal the said Regulation I. of 1832; It is declared and enacted as follows:

I. Regulation I. of 1832, of the Bengal Code, is hereby repealed.

II. The said tract of land being part of the district of Cawnpore, all Laws and Regulations now in force within such district, shall be in force in the said tract of land.

III. All

III. All cases, Civil or Criminal, in which the cause of action arose, or the offence was committed within the said tract of land before the passing of this Act, may be tried and determined by the Courts of the said district of Cawnpore, and the General Laws and Regulations now in force in such district may be applied and administered by the said Courts in the trial and determination of such cases; but if in any case it shall appear that the application of the said Laws and Regulations would operate unjustly if applied to the trial and determination of such case, it shall be lawful for such Courts to try and determine the same according to equity and good conscience.

IV. Provided always, that no Court shall try or determine any case, Civil or Criminal, with respect to which a final decision may have been pronounced previous to the said 28th day of January 1851, by any Court or person within the said tract of land, having at the time of such decision, lawful power and authority to pronounce it.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. X. OF 1852.

Passed by the Governor General of India in Council, on the 6th February 1852.

For constituting Commissioners for the Improvement of the Town of Calcutta.

WHEREAS Act XVI. of 1847, for constituting Commissioners for the Improvement of the Town of Calcutta, has been found inconvenient and ineffectual for the intended purposes thereof, It is enacted as follows:

I. Act XVI. of 1847 is repealed, except as to anything done, or forborne to be done, under the said Act before the passing of this Act, but not so as to revive Act XXIV of 1840. Provided always, that the taxes leviable under Act XVI. of 1847, on the owners or users of Carriages, Carts, and Horses, may still be assessed and imposed on such owners or users for the last Quarter or part of a Quarter previous to the passing of this Act; and all taxes and arrears of taxes, assessed and imposed on the owners or users of Carriages, Carts, and Horses under Act XVI. of 1847, and not collected at the time this Act comes into operation, may be levied and recovered as if the said Act XVI. of 1847 were not repealed.

II. The scheme of election agreed upon by the owners and occupiers of assessed houses, buildings, and lands in each division of the

Town, and the rules made by the Commissioners, severally approved by the Deputy Governor of the Presidency of Fort William in Bengal and President of the Council of India in Council, in pursuance of the said Act, are rescinded and annulled. Provided always, that all taxes and arrears of taxes assessed and imposed on the owners or users of Carriages, Carts, and Horses under Act XVI. of 1847 and Section I. of this Act, and not collected at the time this Act comes into operation, may be levied and recovered as if the said Rules were not repealed.

III. For the purposes of this Act the Town of Calcutta shall be divided into two divisions, that is to say, a Northern and Southern Division, by a line passing from the river Hooghly at the old Fort Ghaut along the centre of Fairlie Place, Clive Street, the street on the Northern side of Tank Square, Loll Bazaar, Bow Bazaar, and Boitaconnah ; or such other two divisions as the Governor of the Presidency of Fort William in Bengal, from time to time, may appoint: and, whenever any such new division shall be made, the provisions of this Act, with respect to the divisions herein defined, shall be deemed to apply thenceforth to such new divisions.

IV. There shall be four Commissioners for executing the powers of this Act, who shall be styled the Commissioners for the Improvement of the Town of Calcutta, of whom two shall be appointed by the Governor of the Presidency of Fort William in Bengal, and two shall be elected as hereinafter provided, that is to say, one for each division of the said Town.

V. The Commissioners shall enter upon their office on the First day of January in each year, and shall hold their office regularly for one year, or until their successors are duly constituted; and until the first constitution of Commissioners under this Act, the Commissioners now acting

acting in the execution of the said Act XVI. of 1847, shall exercise the powers of this Act, and shall be deemed Commissioners under this Act.

VI. Every person is entitled to one vote in the election of a Commissioner under this Act who is the owner of a house, building, or ground in either division of the said Town, and is assessed at not less than ten rupees' tax in the whole for a quarter of a year, in respect of such house, building, or ground, and who, on or before the 20th day of November in each year, has paid all such taxes due from him up to the last day of July, in the same year.

VII. Every person is entitled to one vote in the election of a Commissioner under this Act who is the occupier of any house, building, or ground in either division of the said Town, and who pays a monthly rent of not less than rupees seventy in respect of such house, building or ground.

VIII. Each voter is entitled to vote in that division only in which he is assessed to the amount which constitutes his qualification: but any person who is assessed or pays rent to the qualifying amount in each division, may be entitled to vote in both. No person shall be entitled to two votes in any one division by reason of his being both an owner and occupier to the qualifying amounts respectively in such division.

IX. All elections under this Act shall be under the management of the Sheriff of Calcutta, who shall appoint a sufficient number of Deputies to help him in presiding thereat: and every Deputy, while so acting for the Sheriff, shall have the same powers and duties as the Sheriff with respect to the division for which he is acting.

X. The

X. The elective Commissioners shall be chosen yearly, on a day between the First and Twentieth days of December, to be appointed in each year by the Sheriff of Calcutta, of which day, and also of the place of election, the Sheriff shall give notice, by advertisement in the *Calcutta Gazette*, Fifteen days at least before the day of election.

XI. The place of election for each division of the Town shall be the Town Hall of Calcutta, or such other place as the Sheriff, with the sanction of the Governor of the Presidency of Fort William in Bengal, shall, from time to time, appoint.

XII. The voting shall begin at eight of the clock in the morning, and end at five of the clock in the afternoon of the appointed day.

XIII. Every person qualified to vote in the election, and none other, is qualified to be a candidate for election as a Commissioner.

XIV. Every candidate shall, ten days at least before the day of election, give notice thereof in writing to the Sheriff, naming the division for which he is a candidate, and shall at the same time produce to, and leave with, the Sheriff a certificate from the Secretary to the Commissioners that he is qualified to be a candidate, which certificate the Secretary shall be bound to give without fee or charge, on personal application, to any person duly qualified.

XV. All expenses of the election of Commissioners, including the expense of advertising the time and place of election, shall be defrayed by the candidates; and every candidate shall, at the time when he produces to the Sheriff his certificate of qualification, deposit with the Sheriff the sum of two hundred rupees toward the expenses of the election, and in default thereof shall not be qualified to be elected.

XVI. If

XVI. If the whole amount so deposited shall not be spent by the Sheriff in such election, the residue shall be returned to the candidates in equal proportions; and if the whole amount so deposited is not enough to defray the expense of such election, the Sheriff shall be entitled to receive from each candidate his proportionate share of the surplus expense, and in default of payment may sue for and recover the same, as money spent on behalf of such candidate.

XVII. The Commissioners shall cause to be prepared, in each year, correct alphabetical lists of the owners qualified to vote in each division of the Town, and also an alphabetical list of the occupiers qualified to vote in each of the said divisions, who shall, on or before the First day of November in each year, apply to the Commissioners to have their names entered in such lists, and the said lists shall be open for inspection at the office of the said Commissioners, on or before the First day of December in each year, during all reasonable hours of the day, until the day of election, when the said lists, or copies thereof, shall be taken to the place of election for the use of the Sheriff and his Deputies.

XVIII. The Secretary to the Commissioners, on the written application of any person qualified to vote as aforesaid, signed by himself, specifying the division, street and number, or other description of every house, or building, or the land in respect of which the claim is made, and delivered to the Secretary on some day between the 1st and 30th day of November, both inclusive,—with, where the applicant is an owner, the receipted assessment bills, shewing that the applicant has paid the taxes required by this Act to qualify him to vote, or with, where the applicant is an occupier, the receipted rent bills, shewing that such occupier has paid the rent required by this Act to qualify him to vote,—shall give to such person a voting ticket, according to his qualification. The voting tickets shall be numbered and signed by the Secretary to the

Commissioners, and shall be in one of the forms contained in the first Schedule annexed to this Act, or in such other form as shall be, from time to time, adopted by the Commissioners, with the approval of the Governor of the Presidency of Fort William in Bengal; the Secretary to the Commissioners shall keep a Register of such voting tickets, which shall specify the number of each voting ticket, the name of the voter, and the premises in respect of which such voting ticket is given, and the said Secretary, on the day of election, shall take the said Register to the place of election, for the use of the Sheriff and his Deputies.

XIX. The voting ticket shall be conclusive evidence that the person named therein is entitled to vote at the next election of a Commissioner in the division for which the ticket is given, according to the tenor thereof.

XX. At the time and place appointed for the election, the Sheriff or his Deputies shall attend with two closed boxes, with openings in each box for the reception of voting tickets, and distinguished from each other, by having marked or painted legibly, in English and Bengallee characters, the word "Northern" on one box, and the word "Southern" on the other.

XXI. Every voter, having obtained his voting ticket in each division in which he is qualified to vote, and having written thereon the name of the candidate for whom he wishes to vote, and having signed the same, shall personally attend at the place of election, and shall deliver his voting ticket to the Sheriff, or one of his Deputies presiding at the election for that division, who, on being satisfied of the identity of the person tendering the voting ticket with the person whose signature it bears, shall deposit such voting ticket in the box of the division.

XXII. The

XXII. The Secretary, Assessors, Collectors, and Collecting Sircars of the Commissioners, and, if required by any candidate, an agent appointed by writing under his hand on his behalf, shall attend at the place of election during the continuance thereof, for the purpose of assisting in identifying the persons who shall tender voting tickets.

XXIII. The decision of the Sheriff, or his Deputy, admitting or rejecting any disputed vote tendered at any election, shall be conclusive as to the reception of the vote.

XXIV. At the close of the poll for any division, the Sheriff or his Deputies, in the presence of the candidates, or such of them as choose to be present, or of scrutineers appointed in writing under their several hands, shall ascertain the number of votes given for each candidate in each division; and the Sheriff shall thereupon publicly declare the name of the candidate in each division for whom the greatest number of votes has been given in such division, and shall declare such candidate to be duly elected a Commissioner for the Improvement of the Town of Calcutta.

XXV. If two or more candidates at the head of the poll in any one division of the Town shall have the same number of votes, the Governor of the Presidency of Fort William in Bengal shall appoint one of the candidates, having such equal number of votes, to be one of the elected Commissioners for the improvement of the Town of Calcutta.

XXVI. The result of every election shall be certified by the Sheriff to the Governor of the Presidency of Fort William in Bengal, who will cause notice thereof to be given in the *Calcutta Gazette*.

XXVII. If any vacancy, from any cause whatever, happens before the month of December in any year among the Commissioners, the Governor

Governor of the Presidency of Fort William in Bengal shall appoint a person qualified to be elected to fill such vacancy, and the Commissioner appointed to fill such vacancy shall be a Commissioner as if he had been elected at the then last general election of Commissioners.

XXVIII. The 158th Section of the Act of Parliament passed in the 33rd year of the reign of King George the Third, and numbered Chapter 52, is hereby repealed, and the powers and duties which by the said Act were conferred and imposed on the Justices of the Peace within or for the Presidency of Fort William in Bengal, in regard to the collection, levying, and disbursement of the taxes thereby authorized to be assessed by them on the owners or occupiers of houses, buildings, and grounds, shall be exercised and performed by the said Commissioners, instead of the said Justices of the Peace; and the powers and duties by Act XXII. of 1847, or any other Act, conferred on or belonging to the Commissioners constituted under the said Act XVI. of 1847, and their Officers, shall be transferred to, and belong to the Commissioners constituted under this Act and their Officers respectively.

XXIX. The Justices of the Peace within and for the said Town of Calcutta shall make a quarterly assessment at the rate of six and one quarter per cent., or one anna in the Rupee, on the owners of houses, buildings, and grounds within the said Town, according to the gross monthly rental thereof, or on the gross monthly rental at which the same might, in the estimation of the said Justices, reasonably be expected to let.

XXX. Of the two Commissioners yearly appointed by the Governor of the Presidency of Fort William in Bengal, one shall be President of the Commissioners. In the absence of the President, such other Commissioner shall act as Chairman of the meetings of the Commissioners as shall be chosen by those present. On all questions on which the

Commissioners present are equally divided in opinion, the President shall have a second or casting vote. No meeting of the Commissioners shall be held without twenty-four hours' notice being given to all the Commissioners, and two Commissioners shall be necessary to constitute a meeting.

XXXI. The Commissioners shall severally receive such monthly salaries, not exceeding two hundred and fifty rupees each, to be paid out of the taxes levied under the said Act of Parliament, and Act XVI. of 1847, and this Act, as the Governor of the Presidency of Fort William in Bengal, with the approval of the Governor General of India in Council, shall from time to time appoint.

XXXII. The Commissioners shall appoint a Secretary, subject to the approval of the Governor of the Presidency of Fort William in Bengal, and shall also appoint a sufficient number of Assessors, Collectors, Surveyors, Inspectors, Appraisers, Bailiffs, and such other Officers as they may deem necessary for assessing, collecting, or levying the taxes imposed on the owners or occupiers of houses, buildings, and grounds under the authority of the said Act of Parliament, and of this Act, and also the taxes and penalties herein mentioned, and may appoint the same persons to act both as Assessors and Collectors, and may prescribe such rules, and take such security for the due execution of the duties of such Secretary and Officers as they may deem expedient; and the Secretary and Officers of the Commissioners shall receive such salaries, to be paid out of the said taxes, as the Commissioners from time to time may appoint, subject to the approval of the said Governor. The Secretary and every other Officer shall be removable at the pleasure of the Commissioners, subject, in the case of the Secretary, to the approval of the said Governor.

XXXIII. All rates and taxes assessed on the owners of houses, buildings, and grounds, and penalties imposed under the authority or

colour of the said Act of Parliament, and Act XVI. of 1847, before this Act comes into operation, may be demanded, and if not duly paid, may be levied and recovered by the Commissioners acting under the authority of this Act, in the same manner, and by the same forms, or by forms to the like effect, as if they had been imposed under the authority of this Act.

XXXIV. The owners of houses, buildings, and grounds, within the said Town, shall pay such sums of money as shall be assessed upon them by the said Justices according to the said rate of six and a quarter per cent., or one anna in the rupee.

XXXV. Where there is land wholly or partly covered with houses or buildings, which do not belong, or which belong only in remainder or reversion, to the owner of the land, and rent is covenanted to be paid to the owner of the land, wholly or partly irrespective of the value of the said houses or buildings, the said Justices may assess the owner of the land separately, in respect of the land, and the owners of the houses and buildings, according to their value, after deduction of the value of the land, in respect whereof the owner thereof is separately assessed.

XXXVI. The said Justices, in their discretion, may omit from their valuation and assessment any tenement of very small value, unless where there are many such belonging to the same owner, which can be conveniently valued and assessed together.

XXXVII. Where any house, building, or ground, within the said Town, has been vacant for sixty consecutive days in any quarter of a year, the rates for that quarter shall be remitted, provided that the owner of such house, building, or land, shall have given notice in writing of the vacancy thereof, to the Secretary of the Commissioners, within seven days

next after the day on which it becomes vacant; and if such notice of vacancy be not given within the said seven days, the said rates shall be remitted from the day on which the notice may be delivered to the Secretary.

XXXVIII. The first assessment to be made under this Act shall be made on or after the Twelfth day of February 1852, for the months of February, March, and April 1852, and when made, shall be taken to supersede and annul any previous assessment made by the Justices for the same period or any portion thereof; and every following assessment shall in like manner be made prospectively at the commencement of the quarter of a year in which it is made.

XXXIX. The assessment of the taxes specified in this Act shall be made by the said Justices or any of them, but shall in every case require to be confirmed at a subsequent meeting of the said Justices, and the said Justices shall cause such assessments, when made and confirmed, to be entered in books to be kept in their office, and the entries for such assessments in the said books, authenticated by the signatures of the Justices, or any two of them, shall be conclusive evidence of the several assessments therein specified.

XL. The Justices shall give at least fourteen days' notice, by advertisement in the *Calcutta Gazette*, of the day and hour when they will meet in their office, for the purpose of revising and confirming the said assessment; and every person who deems himself aggrieved in any respect by the said assessment, and is desirous of appealing against the same, must attend such meeting; and the Justices may adjourn such meeting, if necessary, from day to day; and, after hearing and determining all objections to the assessment, may make such amendments therein as to them may appear just, and finally confirm the same as so amended.

XLI. The

XLI. The books containing the proposed assessment shall be in the office of the Justices during the said period of fourteen days, or more, open at all reasonable times to the inspection of all persons assessed therein.

XLII. The taxes specified in this Act shall be due and payable from and after the end of the quarter of a year, or other period for which they are imposed.

XLIII. When the taxes specified in this Act shall be due and payable, or as soon after as convenient, the said Commissioners shall send, or cause to be sent, to the persons severally liable to pay any of such taxes, a statement or bill in the form (A.) contained in the second Schedule annexed to this Act, or to the like effect, of the sums due from such persons respectively in respect of the said taxes.

XLIV. When any person shall be in arrear of the payment of the said taxes specified in this Act, the said Commissioners, or any one of them, or their Officer duly authorized by them, may issue, or cause to be issued and served upon such person, a Notice of Demand in the form (B.) contained in the second Schedule annexed to this Act, or to the like effect: and if he shall not, within five days from the service of such Notice of Demand, pay the arrear due from him, according to the tenor of such Notice of Demand, the said Commissioners, or any one of them, or their Officer duly authorized by them, may issue and serve, or cause to be issued and served, upon such person a summons to pay in the form (C.) contained in the second Schedule annexed to this Act, or to the like effect, requiring such person to appear before the said Commissioners, or any one or more of them, on a day and at an hour and place to be named in such summons.

XLV. On the appearance of the party summoned, the said Commissioners, or any one or more of them, may make such further enquiry into the case as to them or him seems just, and may make such order for the payment of the whole or any part of the demand as to them or him seems just; and in case of the non-appearance of the party summoned, the said Commissioners, or any one or more of them, on proof of service of the said summons, and on making such further enquiry into the case as to them or him seems just, may decide the claim, in like manner as if the said party were present, and may make such order for the payment of the demand, together with such costs as to them or him may seem reasonable.

XLVI. In order that the Justices and Commissioners may be better informed of the value of any house, building, or ground, or in any other matter relating to their duty under this Act, and the execution thereof, the Justices or Commissioners, or any one of them, or their Officer duly authorized by them, may issue a summons, in the form (D.) contained in the second Schedule annexed to this Act, to any person whom they are desirous of examining for that purpose; and any one or more of the said Justices or Commissioners may examine such person so summoned concerning the value of such house, building, or ground, or other matter relating to the assessment; and such examination shall be taken down in writing, in such manner as the Justices or Commissioners may order: and in case the answers of such person so examined shall appear to the said Justices or Commissioners to be evasive or untrue; or in case the party summoned shall refuse to answer any lawful question of the said Justices or Commissioners, or any one of them, or shall be proved to have refused to receive, or to have wilfully destroyed, defaced, or unlawfully detained any Bill, Summons, or Notice of Demand served upon him, with intent to evade being lawfully rated to the full amount of any of the said taxes due from him, or with intent

to avoid or delay payment thereof; or shall be proved knowingly, or through gross negligence, to have given any false information, either verbally or in writing, to the said Justices or Commissioners, or any of them, or any of their Assessors or Officers, whereby they or any Assessor or person employed by them shall be misled in making any assessment; or in case the party summoned shall refuse, or without lawful excuse neglect to appear before the said Justices or Commissioners, in pursuance of such summons; such person shall, for any of the above-mentioned offences, be liable to such penalty, not exceeding one hundred rupees, as shall be set on him by the said Justices or Commissioners, or any one of them, and such penalty shall be recovered under a warrant to be issued for that purpose by the said Justices or Commissioners, or any one of them, by distress and sale of any goods and chattels within the Town belonging to the person liable to pay or make good the said penalty; and every such warrant of distress may be in the form (G.) contained in the second Schedule annexed to this Act, or to the like effect.

XLVII. All arrears of taxes and penalties due under the said Statute 33 George III., Act XVI. of 1847, and this Act, and the costs and charges of recovering the same, may be recovered at any time after the day on which the person liable to pay such arrears has been summoned to appear before the Commissioners, or any one or more of them, as provided by Section XLIV. of this Act, under a warrant to be issued for that purpose, under the hand and seal of one of the said Commissioners, by distress and sale of any goods and chattels within the Town of Calcutta, belonging to the person liable to make good or pay the same, or being at any time within the house or building, or upon the ground in respect of which any such assessment is made; and every such Warrant of Distress may be in the form (E.) contained in the second Schedule annexed to this Act, or to the like effect.

XLVIII. The

XLVIII. The Bailiff shall make an inventory of all goods and chattels seized under any warrant, and shall give a notice in writing in the form (F.) contained in the second Schedule annexed to this Act, or to the like effect, to the person in possession thereof at the time of the seizure, that the said goods and chattels will be appraised and sold in manner therein mentioned.

XLIX. If the warrant is not in the mean time discharged or suspended by one or more of the said Commissioners, the goods and chattels seized shall be appraised and sold, and the proceeds thereof shall be applied in discharge of the arrears, or penalty, and costs; and the surplus, if any, shall be returned, on demand, to the person in possession of the goods and chattels at the time of the seizure; and the fees upon every such proceeding shall be such as are mentioned and set forth in the third Schedule annexed to this Act.

L. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of the rates, taxes, or penalties under the said Statute 33 Geo. III., Act XVI. of 1847, or this Act, the Commissioners, or any one or more of them, if they think fit, may authorize any Collector or other person to sue the person liable to pay such rates, taxes, or penalties for any arrears of such rates, taxes, or penalties, in the Calcutta Court of Small Causes; and all such suits may be prosecuted by such Collector or other person in the name of the Commissioners; and the costs, if any, incurred in any such suit, which are not recovered in the suit, may be defrayed out of the taxes levied under this Act.

LI. When any Bill, Notice of Demand, Summons, or other proceeding of any kind whatsoever with respect to any taxes under the said Statute, Act XVI. of 1847, or this Act, is to be issued to the owner

of

of any premises, if his name be not certainly known, it shall be sufficient to address such proceeding to him by the description of the "Owner" of the premises (naming or describing them) in respect of which such proceeding is issued, without further name or description of such owner, and such proceeding may be duly served as hereinafter mentioned; and every Bill, Notice, Summons, or Notice of Demand, may be served personally upon the person to whom the same is addressed, or left with his door-keeper, or some inmate of his place of abode; and when any person shall, by keeping his place of abode or business closed, or by absconding, or by violence or threats, prevent any Officer or Servant of the said Commissioners from serving any Bill, Notice, Summons, or Notice of Demand, as herein directed, such Bill, Notice, Schedule, Summons, or Notice of Demand, shall be duly served, by fixing the same conspicuously on some part of the outer wall, gate, or door of the house or place of business, or of the enclosure in which it stands: in case the place of abode of the owner be not within the limits of the said Town, it shall be sufficient for the Commissioners to transmit any Bill, Notice, Summons, or Notice of Demand, directed to him by name, through the Post, or to serve the same upon the occupier of the premises assessed, or upon the agent (if any) of such owner.

LII. No distress levied under the authority of this Act shall be unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the Notice, Bill, Summons, Notice of Demand, Warrant of Distress, Inventory, or other proceeding relating thereto, nor shall he be a trespasser from the beginning on account of any irregularity afterwards committed by him.

LIII. The said Commissioners shall, from time to time, subject to the approval of the Governor of the Presidency of Fort William in Bengal, make

make Rules for regulating their proceedings under this Act, and for the regulation of the time and manner of demanding and collecting the taxes specified in this Act, and for altering any of the forms set forth in the Schedules hereunto annexed, and the said Justices shall, from time to time, subject to the like approval, make Rules for regulating their proceedings under this Act, and for the regulation of the time and manner of assessing the rates specified in this Act.

LIV. The goods and chattels of the owner of any house, building, or ground rated under the said Statute 33 George III. Chapter LII., Section CLVIII. Act XVI. of 1847, or this Act, shall be liable to be distrained anywhere (except goods and chattels concealed as hereinafter mentioned), for deficiency in the payment of rates; and it shall not be necessary in any assessment, rate or tax, or Warrant of Distress under the said Statute, Act XVI. of 1847, or this Act, to specify the names of the owners of houses, buildings, or grounds; but it shall be sufficient if the house, building, or ground, in respect of which the tax is assessed, be identified, and in the case of houses numbered in any street, that the name of the street and the number of the house be specified.

LV. All goods and chattels, which shall be found upon any premises rated, shall be liable to be distrained for any arrears of rates or taxes assessed in respect thereof; and if the said goods and chattels belong to the occupier of such premises, such occupier may deduct the amount of the levy made upon his goods and chattels, or of any payment made by him in order to prevent such levy, from the following payments of his rent. If they belong to any person other than the occupier of the premises, or if no further rent is payable by such occupier, he may in such case recover the amount so paid or levied, by suit in the Calcutta Court of Small Causes, from the owner of the premises, as for money paid on his behalf.

LVI. Every

LVI. Every person shall be entitled to have from the Secretary to the Commissioners, on application at their Office, and on payment of a fee of four annas, a certificate, specifying the last quarter in respect of which the taxes on account of any house, building, or ground are paid.

LVII. When there is reason to believe that goods and chattels, liable to distress under the said Statute, Act XVI. of 1847, or this Act, are concealed in any zenana, the Officer charged with the execution of the warrant shall make a special report to the Commissioner granting the same, who shall thereupon follow, as closely as may be, the rules for the seizure of goods and chattels in like cases adopted by Her Majesty's Supreme Court of Judicature.

LVIII. Every person who wilfully obstructs or molests the said Commissioners, or any one of them, or their Secretary, or any of their Officers or Servants in the performance of their respective duties, under the said Act of Parliament, Act XVI. of 1847, or this Act, shall be liable, on summary conviction before a Justice of the Peace, on his own confession or the oath of one or more witnesses, to forfeit and pay a penalty not exceeding fifty rupees.

LIX. The Commissioners or any one of them may sue and be sued at Law and Equity in the name of their Secretary for the time being, and no action or suit to be brought or commenced by or against such Secretary, in manner aforesaid, shall abate or be discontinued by the death, resignation, or removal of such Secretary; and no execution shall issue or be had in any such action or suit against such Secretary until six months' notice shall have elapsed after final judgment in such action or suit shall have been obtained, and every such Secretary, in whose name or by or against whom any such action or suit shall be brought, commenced, or sued, shall be fully reimbursed and paid

paid all such costs, charges, damages, and expenses as by the event or in consequence of any action, suit, or proceeding he shall pay, sustain, or be put unto or become chargeable with or liable to by reason of his being plaintiff or defendant as aforesaid, or of his name being used as aforesaid, by and out of the funds under the control of the Commissioners; and if any person against whom the Commissioners shall have any claim or demand, take the benefit of, or become subject as an insolvent to the operation of any Act for the Relief of Insolvent Debtors, the Secretary of the Commissioners in all proceedings in the insolvency may represent the Commissioners, and act in their behalf in all respects as if such claim or demand had been the claim or demand of such Secretary, and not of the Commissioners.

LX. The Secretary of the Commissioners being the plaintiff, prosecutor, or defendant, or otherwise acting in any action, suit, or proceeding as aforesaid, shall be competent to be a witness therein, in the same manner as he might have been if his name had not been made use of as the plaintiff, defendant, or otherwise in any such action, suit, or proceeding.

LXI. No writ or process shall be issued out against or served upon any Commissioner, or any Secretary, Surveyor, or other Officer, or person whomsoever acting under the direction of the Commissioners, for anything done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered to him or left at his Office or place of abode, explicitly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his Attorney or agent in the cause; and upon the trial of any such action, the plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant; and every such action shall be brought or commenced within three calendar months

months next after the accrual of the cause of action, and not afterwards; and if any party shall have committed any irregularity, trespass, or other wrongful proceedings in the execution of this Act, or by virtue of any power or authority hereby given, and if before action brought in respect thereof, such party shall make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action when brought, and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

LXII. No matter or thing done, or contract entered into by the Commissioners, or any one of them, or by any Secretary, Surveyor, or other Officer or person whomsoever, acting under the direction of the Commissioners, shall, if the matter or thing were done, or the contract were entered into *bonâ fide*, for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever; and any expense incurred by any such Commissioner, Secretary, Surveyor, or other Officer or person acting as last aforesaid, shall be borne and repaid out of the funds under the control of the Commissioners.

LXIII. In any such action as aforesaid the defendant may plead the general issue, and give this Act, and any special matter in evidence on the trial.

LXIV. If in any such action judgment be given for the defendant, or if the plaintiff be nonsuited or discontinue the said action, the defendant shall be entitled to his costs as between attorney and client,

and

and shall have such remedy for recovery thereof as any defendant has for his costs in any other case by law.

LXV. The whole proceeds of the said taxes, after paying all salaries, establishments, and incidental expenses of the said Commissioners, shall, with such moneys as the Governor of the Presidency of Fort William in Bengal, with the sanction of the Governor General of India in Council, may direct to be paid to the said Commissioners, be applied by them to the following purposes, that is to say,—

1stly,—Cleansing, repairing, lighting and watering the roads and streets.

2ndly,—Constructing new drains and sewers, and cleansing and repairing or filling up and abolishing old drains and sewers.

3rdly,—Filling up stagnant pools of water, holes in the earth, and all receptacles for filth and rubbish, and removing obstructions in or on the roads and to the free circulation of air.

4thly,—Formation of tanks and aqueducts for the conveyance of water to all parts of the Town.

5thly,—Opening of streets and squares in crowded parts of the Town.

6thly,—Improving and embellishing the said Town generally.

LXVI. In construing this Act all words used in the singular number shall be held to include several persons and things, and words in the plural shall be held to include the singular number, and all words importing the masculine gender shall extend and be applied to females as well as males, unless there is something in the context inconsistent with such construction.

First Schedule.

No.

Form 1.

Form of Voting Ticket.

Division.	Name of Rate-payer.	Aggregate value of Houses, Buildings, or Grounds for which he is assessed.	Total Assessment.

Entitled to vote.

Secretary.

Reverse.

I, the undersigned, being the rate-payer within described, do hereby give my vote for as Commissioner for the ( ) Division.

Calcutta,
The 18 .

Signature.

No.

Form 2.

Division.	Street.	No. of House.	Name of occupier.

Entitled to vote.

Secretary.

Reverse.

I, the undersigned, being the occupier within described, do hereby give my vote for as Commissioner for the ( ) Division.

Calcutta,
The 18 .

Signature.

Second Schedule.

ACT No. X. OF 1852.

SECOND SCHEDULE.

(A)

House Tax Bill.

Division No.

Street No.

Remit

Premises No. _____

_____ Dr.

To Assessment on the above-mentioned Premises for _____ Quarter.

Rated at Rupees „ „ per Month.

Quarterly Assessment, Rs. „ „

Received Payment,

Calcutta, 18 . *Collector.*

(B)

Notice of Demand.

Number
Division
Street
House

Take Notice that I, on behalf of the Collector of Assessments, have demanded and demand from you the arrears of Taxes assessed upon you as owner of the premises mentioned in the margin, for the ( ) Quarter, viz., the months of 18 under the Provisions of Act X. of 1852, amounting to Rupees , and that if the same be not paid into the Collector's Office within five days after this demand, you will be reported to the Commissioners, and will be liable to the expenses of any further proceedings.

For the Collector,

Collecting Sircar.

Calcutta,
This *day*
of 18 .

(C)

(C)

Summons to Pay.

No.

To

Number
Division
Street
House
Quarter

You are hereby summoned to appear personally before the Commissioners for the Improvement of the Town of Calcutta, or such one or more of them as shall be at their Office at o'clock on the day of 18 , to answer to a complaint made against you by the Collector of Assessments for non-payment of the Taxes imposed on you as owner of the premises mentioned in the margin, under the Provisions of Act X. of 1852, for the ( ) Quarter, that is to say,—the months of ( ) amounting to Rupees

Commissioners' Office.

No.

Given under my hand, this day of 18 .

A. B.

(D)

Summons to give Evidence.

To

Under the authority of Act X. of 1852, you are hereby summoned to appear personally before the Commissioners for the Improvement of the Town of Calcutta, or such one or more of them as shall be at their Office at o'clock on the day of 18

(Here set out the cause of Summons.)

Commissioners' Office.

Given under my hand, this day of 18 .

A. B.

(E)

Distress Warrant.

Town of Calcutta. } To One of the Bailiffs for the Commissioners for the Improvement of the Town of Calcutta.

Number Whereas of in the said Town is this
No. of day duly convicted before of the Commissioners for
Division the Improvement of the Town of Calcutta, for that the said
Street doth refuse or neglect to pay, and hath
House not yet paid, the Taxes on houses, buildings, and lands mentioned in the margin, to which he is assessed under the Provisions of Act X. of 1852, for the ( ) Quarter, that is to say, for the months of ( )
amounting to the sum of Co.'s Rs. although the said sum has been demanded of him, and five days have lapsed since such demand; This is to command you to distrain the Goods and Chattels of the said
within the said Town, or any Goods and Chattels which you may find on the premises in respect of which the said Taxes are due, to the amount of Co.'s Rs.
and such further sum as may be sufficient to defray the charges of making such distress; and if within five days next after such distress, the said sum of Co.'s Rs.
shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said Goods and Chattels; and having paid out of the money arising by such sale, the said sum of Co.'s Rs. to the Collector of Assessment for the said Commissioners, and having deducted the necessary charges of taking, keeping, and selling the said distress, to return the overplus, if any, on demand,

demand, to the person whom you shall find in possession of the said Goods and Chattels.

Given under my hand and seal, this day of 18 . (L. S.)

One of the Commissioners for the Improvement of the Town of Calcutta.

(F)

Inventory.

Quarter
Number
No. of
Division
Street
House

An Inventory of the several Goods and Chattels distrained by me Bailiff, No. situated in for the sum of Company's Rupees Annas Pies being Arrears of Assessment due up to the day of last, for Taxes under the Provisions of Act X. of 1852 (or being the amount of a penalty imposed on by of the said Commissioners, or Justices of the Peace as the case may be), with the costs and charges for enforcing payment of the same.

To

Take Notice, that I have this day distrained the several Goods and Chattels specified in the Inventory for Taxes under the Provisions of Act X. of 1852 (or being the amount of the said penalty), and that unless you pay the said sum, with the charges of distraining, into the Office of the Collector of Assessment, within five days from the date hereof, the said Goods and Chattels will be sold according to law.

Arrears, Rs.
Costs, ,,
Co.'s Rs.

Witness my hand, this day of 18 .

Bailiff.

(G)

(G)

Distress Warrant.

Town of Calcutta. } To

One of the Bailiffs for the Commissioners for the Improvement of the Town of Calcutta.

Whereas A. B., of in the said Town is this day duly convicted before of the Commissioners for the Improvement of the Town of Calcutta, *(or Justice of the Peace, as the case may be,)* of the offence of *(here state the offence)* against the form of the Act X. of 1852 in that case made and provided, and was thereupon adjudged by that he the said A. B. had forfeited the sum of Rs. *(here state the amount)* for the offence ( ) aforesaid: And whereas the said A. B., being required to pay the said sum of Rs. *(here state the amount aforesaid)*, hath not paid the same, but therein has made default: These are to command you to distrain the Goods and Chattels of the said A. B., which may be found within the said Town, to the amount of the said sum, and such further sum as may be sufficient to defray the charges of making such distress; and if within five days next after such distress, the said sum of Rs. *(here state the amount)*, together with the reasonable charges for taking and keeping the said distress, shall not be paid, to sell the said Goods and Chattels, and having paid out of the moneys arising by such sale the said sum of Rs. *(here state the amount)* to the Collector of Assessments for the said Commissioners, and having deducted the necessary charges of taking, keeping, and selling the said distress, to return the overplus (if any) on demand, to the person whom you shall find in possession of the said Goods and Chattels.

Given under hand and seal, this day of 18 . } L. S.

of the Commissioners for the Improvement of the Town of Calcutta, (or Justice of the Peace, as the case may be.)

THIRD SCHEDULE.

THIRD SCHEDULE.

Table of Fees to be taken for Proceedings under this Act.

	Rs.	As.
For every Summons to pay	1	0

IN DISTRAINTS.

SUM DISTRAINED FOR.	FEE.	
	Rs.	As.
Under 5 Rupees, ...	1	4
5 and under 10 Rupees, ...	2	0
10 ,, 15 ,, ...	2	8
15 ,, 20 ,, ...	3	8
20 ,, 25 ,, ...	4	4
25 ,, 30 ,, ...	5	0
30 ,, 35 ,, ...	5	8
35 ,, 40 ,, ...	6	8
40 ,, 45 ,, ...	7	12
45 ,, 50 ,, ...	8	8
50 ,, 60 ,, ...	10	0
60 ,, 80 ,, ...	11	8
80 ,, 100 ,, ...	13	0
Above 100 ,, ...	15	0

The above charge includes all expenses except when peons are kept in charge of property distrained, in which case 4 Annas must be paid daily for each man.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XI. OF 1852.

Passed by the Governor General of India in Council on the 13th February 1852.

An Act for the Adjudication of Titles to certain Estates claimed to be wholly or partially Rent-free in the Presidency of Bombay.

WHEREAS in the Territories of the Deccan, Kandeish, and Southern Mahratta Country, and in other Districts more recently annexed to the Bombay Presidency, claims against Government on account of Inams and other Estates wholly or partially exempt from payment of Land Revenue are excepted from the cognizance of the ordinary Civil Courts, and incapable of being justly disposed of under the Rules for the determination of Titles, and the Rules of Procedure contained in Chapters IX. and X. of Regulation XVII. of 1827 of the Bombay Code and their Supplements; and whereas it is desirable that the said claims should be tried and determined without further delay, It is declared and enacted as follows:

I. The Rules in Chapters IX. and X. of Regulation XVII. of 1827, and in Clause 1 of Regulation VI. of 1833 of the Bombay Code, do not apply to any of the Districts of the Bombay Presidency which were not brought under the General Regulations of Government by Regulation XXVIII. of 1827 of the Bombay Code; and no order hitherto passed

 regarding

regarding the continuance or resumption of lands in any of the said Districts held or claimed from Government as wholly or partially free of assessment, shall be liable to be questioned in any Court of Law, on the grounds of any interpretation or construction of the Law, which may be inconsistent with the declarations made and the rules prescribed by this enactment.

II. The Governor of Bombay in Council may appoint in any Zillah or other division of the Territories subject to the Presidency of Bombay, which were not brought under the General Regulations of Government by the said Regulation XXVIII. of 1827, an Inam Commissioner with so many Assistants, and such subordinate Establishment, as may be necessary for the purposes hereinafter mentioned.

III. The duties of each Inam Commissioner and his Assistants shall be discharged according to the Rules in Schedule A. annexed to this Act.

IV. In the adjudication of claims to exempt lands or interests therein, the titles of claimants shall be determined by the Rules in Schedule B. annexed to this Act.

V. Each Inam Commissioner and his Assistants shall have the same authority to procure the attendance of witnesses, and to take evidence, as now is, or from time to time may be, by Law vested in the ordinary Civil Courts; and so far as concerns the penalties for not giving evidence, for false testimony, for resistance of process, contempts, and other like matters, connected with cases under cognizance by any one of the said Officers, his Office shall be held to be a Court of Civil Jurisdiction of the same authority as the superior Civil Court of the Zillah or District in which his Office from time to time shall be established. Provided that all complaints against, or appeals from the proceedings of the Inam

Inam Commissioner or any of his Assistants, in exercise of the authority conferred on them respectively by this Section, shall be made under the second Rule of Schedule A. annexed to this Act, and shall not be cognizable by any other authority or in any other manner than as therein specified.

VI. Bribery, extortion, and generally all acts of abuse, or misapplication of authority, or other misconduct, committed by any Officer belonging to the Establishment of the Inam Commission, or temporarily employed therein under the provisions of this enactment, shall be punishable as criminal offences with fine and ordinary imprisonment without labour for a period not exceeding five years, and the receipt of a present, directly or indirectly, by any such Officer from any person against whom or in whose behalf he may be officially employed, shall be considered extortion. And no penalty or punishment adjudicated under this Clause shall preclude any other Civil prosecution to which the offender may be liable.

VII. No decision or order of the Inam Commissioner, or of any of his Assistants, or of the Governor in Council, under the provisions of this enactment, so long as the same shall be in force under such provisions, shall be questioned or avoided in any Court of Law; and no Commissioner or Assistant Commissioner, or other person acting under the provisions of this Act, shall be liable to be sued in any Civil Court for any act *bonâ fide* done or ordered to be done by him in pursuance of the said provisions.

SCHEDULE A.

Rules for defining the Duties of each Inam Commissioner and his Assistants.

1. The duty of the Inam Commissioner and his Assistants shall be to investigate, in the manner prescribed by this enactment, the titles of

of persons holding or claiming against Government the possession or enjoyment of Inams or Jagheers, or any interest therein, or claiming exemption from the payment of Land Revenue, and generally to act according to the instructions of Government in all matters not specifically provided for in this enactment.

2. All orders of the Assistant Commissioners shall be appealable to the Inam Commissioner, who shall also have the authority of revising and of modifying, reversing or annulling, if necessary, their orders and proceedings, and the orders and proceedings of the Inam Commissioner shall be in like manner appealable to, and subject to modification, reversal, or annulment by the Governor of Bombay in Council, whose orders shall in every case be final.

3. The Inam Commissioner or his Assistants shall receive from the persons holding or claiming to hold lands or any interest therein exempt from the payment of Revenue, statements explaining the nature of the title by which the lands or interests are so held, and shall take and record the evidence offered in support of such statements.

4. These statements may be received, either directly by the Officers of the Inam Commission, or through the medium of the Revenue Authority of the Talooka in which the land or interest so held or claimed as exempt is situated, or in which the alleged proprietor resides, without any previous procedure, except a general invitation to such landholders of a District who shall hold or claim to hold lands exempt as aforesaid to state the nature of their titles.

5. But when such general invitation is not sufficiently attended to, a notice may be issued to any party holding or claiming to hold any lands or any interest therein wholly or partially exempt as aforesaid, requiring

requiring him personally, or by his Agent, to shew his title. The notice issued in such cases shall state the nature of the investigation which is intended, and shall call upon the alleged proprietor of the exempt lands or interest held or claimed to be held exempt as aforesaid, to attend either personally or by an authorized Agent, at a specified place, and within a specified period, (which shall never be less than two months from the date of the notice being served,) to explain the nature of his title to hold such lands or interest exempt as aforesaid, and to produce all the evidence forthcoming to prove it. The notice shall further explain that a failure to comply with its terms will render the land, or interest to which it relates, liable to attachment.

6. The notice shall be served upon the party holding or claiming to hold the land or interest exempt as aforesaid, or, if his place of residence be not known, upon the person acting for him, or in default of such, upon the person in charge of the land or interest.

7. If such persons cannot be found, a notice shall be posted in the Office of the Native Revenue Officer of the District, and in the Chouree, or most public place of the village, where the land or interest under inquiry is situated, calling on any person who may claim as proprietor to appear, either personally or by his Agent, to prove his title within six months from the date of the notice, under penalty of the attachment of the land or interest, and on failure of the appearance of a claimant, the land or interest shall be liable to attachment.

8. The attachment provided for by Rules 5 and 7 shall be enforced by the Collector or Chief Revenue Authority of the District in which the land to which it relates is situated, at the written requisition of the Inam Commissioner or his Assistant, which shall be a sufficient warrant to the Collector for the attachment of the land, and for the

collection of the rents accruing therefrom on account of Government during its attachment.

9. As soon as possible after the receipt of the statements in each District, and of the evidence by which they are supported, they shall be tested by the entries in the Government accounts and State records, and by any other evidence procurable, whether in favor of Government or of the claimants, and decisions shall then be passed on them as to the continuance, resumption, or full or partial assessment of the lands.

10. In cases where the notices provided for in Sections V. and VII. fail to procure the attendance of the persons to whom they are addressed, and no claimant appears to prosecute his claim, the Commissioner or Assistant Commissioner shall proceed to ascertain the facts of the case from such evidence as may be forthcoming or procurable, and shall pronounce such decision thereupon as to him shall seem just regarding the lands or interests to which the notices referred.

11. An attachment enforced under Rule 8 shall be removed by the Collector or Chief Revenue Authority by whom it was made, on receipt of a communication from the Inam Commissioner or his Assistant, certifying that he considers the attachment to be no longer necessary; but the rents collected from the land during its attachment shall in no case be restored to the alleged proprietor, except under the general or special instructions of Government.

12. Certified copies of decisions, made according to the provisions of Rule 9, shall be delivered as soon as possible after each decision is passed, to the persons on whose claims the decision shall have been pronounced, or their agents; and copies of all decisions made in the absence of any claimant, according to the provisions of Rule 10, shall be sent to the

the Mamlutdar, or other Revenue manager of the talook in which the lands to which they relate are situated, who shall deliver them to the parties affected by them, should they be discoverable, or otherwise cause them to be publicly posted in the village to which the lands in question belong.

13. Decisions, affecting any lands or any interests therein, passed under this enactment, shall be carried into execution by the Collector or Chief Revenue Authority of the District in which the lands to which they relate are situated, at the requisition of the Inam Commissioner or his Assistant, in any manner which may, from time to time, be prescribed by the Governor of Bombay in Council.

14. In all cases where a person may be desirous of appealing against any decision of the Inam Commissioner or his Assistants, he shall apply by a petition, addressed to the Authority by whom, according to Rule 2, his appeal is cognizable, which petition shall be presented to such Authority within one hundred days from the date of the decree appealed against, a copy of which must accompany the petition of appeal, and no appeal which is not so made shall be admitted, without proof of the existence of a just and necessary cause for its not having been preferred in due time; and it is hereby provided, that no decree passed by the Inam Commissioner or any of his Assistants, shall be liable to be set aside for want of form in the proceedings, but only for matters affecting the justice of the decision.

SCHEDULE B.

Rules for the adjudication of Titles to Estates claimed as Inam or exempt from payment of Land Revenue.

1. All lands held under a specific and absolute declaration by the British Government, or any competent officer acting under it, that they were to be continued hereditarily or in perpetuity exempt, wholly or partially, from the payment

Regarding Inams already declared permanent by competent authority since the introduction of the present Government.

payment of Revenue, are to be so continued according to the purport of such declaration.

Provision 1*st*.—If any question shall arise as to the competency of the officer to make or give such declaration as aforesaid, the Commissioner or Assistant Commissioner is to suspend his judgment, and report the circumstances of the case to the Governor of Bombay in Council, to whom a power is hereby reserved of determining finally whether such officer was competent to make or give such declaration, and the Commissioner or Assistant Commissioner, upon receiving the determination of the said Governor in Council, shall decide accordingly.

Regarding claims to personal Inams, not yet adjudicated under the present Government.

2. Any land held under a sunnud declaring it to be hereditary, shall be so continued according to the terms of the sunnud.

Provision 1*st*.—Provided that the grant was either made, or specifically recognized, by Authority competent to alienate Government Revenue in perpetuity, the question of which recognition and competency is to be referred to and determined by Government in the manner prescribed by Provision 1st, Rule 1.

Provision 2*nd*.—And provided that there be nothing in the conditions of the tenure which cannot be observed without a breach of the laws of the land, or the rules of public decency.

Provision 3*rd*.—And provided that the grant was not afterwards revoked or disallowed, or an alteration of its terms ordered or recognized by a competent authority.

3. All lands uninterruptedly held as wholly or partially exempt from assessment for a period of sixty years before the introduction of the British

British Government, and then in the authorized possession of a grandson in male descent, or male heir of the body of such grandson of the original grantee, shall continue to be so held so long as there shall be in existence any male heir of the body of the person who was incumbent at the introduction of the British Government, tracing his lineage from such incumbent through male heirs only.

4. All lands, uninterruptedly held as wholly or partially exempt from assessment, for a period of forty years before the introduction of the British Government, and then in the authorized possession of a son, or male heir of the body of a son of the original grantee, are to be continued for one succession further than that of the person who was incumbent at the introduction of the British Government, that is, until the death of his last surviving son.

Provision 1*st*.—The authorized possession contemplated by Rules 3 and 4 does not involve the necessity of proving any specific authority from, or recognition by, the Government or Paramount Power. The mere entry of the holding, as continued in the genuine accounts of the District Officers (even in those not audited and passed by the Government of the time being), will be sufficient to bring it under the heads of "uninterrupted" and "authorized" so far as regards the purposes of this Rule; provided only that there are no entries in the Collectorate accounts, which shew that the holding of such lands exempt as aforesaid must have been unauthorized by the Government or Paramount Power.

Provision 2*nd*.—If there be not evidence forthcoming to disprove a claimant's assertion that his holding has been undisputedly enjoyed for the number of years and descents requisite to fulfil the conditions of Rules 3 and 4 respectively, his prescriptive right shall be admitted.

Provision 3*rd.*—The introduction of the British Government is to be reckoned from the time the East India Company became the Government or Paramount Authority over each District as regards its Inams. In the Territories ceded by or conquered from the Peshwa, therefore, whether Khalsat Mahals or Serinjams, &c., held exclusive of Inams, &c., the introduction of the British Government will date from the close of that of the Peshwa. But in case of the lapse of an independent principality, or of a jagheer more ancient than the Peshwa's Government, and over the Inams of which he did not claim any authority, the introduction of the British Government should be reckoned only from the date at which the general management of the Districts may have come into the hands of the Company, and in case any question shall arise as to the precise date when the East India Company became the Government over any district, or when the general management of any District came into their hands, such question shall be referred to and determined by Government in the manner prescribed by Provision 1st, Rule 1.

6. Land held as wholly exempt from payment of Revenue, or on partial assessment, the possession of which is not continuable under the preceding Rules, is to be resumed on the demise of the incumbent.

Provision 1*st.*—In case the incumbent at the time of the introduction of the British Government may have died, the permission to hold for life is to be extended to the person in whose name the land may be continued, when the investigation is commenced, if there be no fraud apparent, nor other reason for withholding this indulgence.

Provision 2*nd.*—When land is evidently held by fraud recently committed, (as when an Inam which was resumed under the late Government has been re-occupied under the present Government without authority,

authority, or as when a pretended Inam is found to have originated since the introduction of this Government with the connivance of District or Village Officers), it shall be at once resumed, not being continuable under this or any of the preceding Rules.

Regarding claims to Inams apparently permanent by the nature of the objects for which they are held, and not merely personal.

7. All lands held for the support of Mosques, Temples, or similar Institutions, of the permanent character of which there can be no doubt, are to be continued permanently, even though their permanent continuance may not have been expressly provided for when they were granted.

Provisions 1*st*, 2*nd and* 3*rd*.—The same as the corresponding Provisions of Rule 2 of this Schedule in those cases in which Title Deeds or other Records proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming.

Provision 4*th*.—When there is no proof forthcoming to shew whether or not an Inam, coming under the Provisions of this Rule, was granted, or even specifically recognized by a competent authority, still, if it has been undisputedly enjoyed for a period of forty years before the introduction of the present Government, it shall be permanently continued, and enjoyment proved by the mere entry of the Inam, as continued in genuine accounts of the District Officers, (even in those not passed by the Government of the time being,) is to be considered sufficiently "uninterrupted" to give an Inam the benefit of this provision, if there be no entries in the Government accounts which shew that it must have been unauthorized by them.

Provision 5*th*.—If the forthcoming records do not go far enough back to test the existence of enjoyment of the duration contemplated

contemplated in Provision 4th as establishing full prescriptive title in such Inams, still, if so far as they do go, they are not opposed to the claimant's assertion that sufficient enjoyment has taken place, the prescriptive title of the Inam shall be admitted according to his assertions, unless there be other evidence forthcoming to disprove them.

Provision 6th.—The peculiar advantages of this Rule shall not apply to the holdings of individuals in their own names for the performance of ceremonial worship, claims to which must be decided under the Rules for personal claims.

Provision 7th.—When claims of the denomination coming under this Rule are found to be unsupported by proof of original valid title, and are proved void of sufficient prescriptive enjoyment, they are to be adjudicated according to Rule 6.

8. All lands authorizedly held by an official tenure which it is evident from local usage was meant to be hereditary, and has been so considered heretofore, even though there be no sunnuds declaring it to be so,—for instance, Inams which form the authorized emoluments of any hereditary office, as of Kazees, Village Joshees, &c., and are not merely personal,—are to be continued permanently.

Provisions 1st, 2nd and 3rd.—The same as the corresponding Provisions of Rule 2 of this Schedule in those cases in which Title Deeds or other Records, proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming,

Provision 4th.—When thereis no proof forthcoming to shew whether or not an Inam, coming under the provisions of this Rule, was granted or even specifically recognized by competent authority, still if it has been

been undisputedly enjoyed as an official and not merely personal holding from the earliest period to which the forthcoming evidence does relate, it shall be continued permanently as official emolument, unless the claimant's own statement renders this course improper.

Provision 5th.—The provisions of this Rule are not in any way to apply to emoluments continued for service performed to the State, as the Service Wuttuns of Desaees, Surdesaees, Nargowdas, Deshpandes, Patells, Coolkurnees, Mhars, Tulwars, whose claims are to be disposed of according to the Rules which are or may be established for the regulation of such holdings.

Provision 6th.—It is to be understood that mere length of enjoyment of land as Inam by an official person is not of itself sufficient to entitle a claim to be brought under this Rule.

Provision 7th.—If a holding, claimed under this Rule, be found incapable of permanent continuance under it, the claimant shall be allowed the advantages of any of the preceding Rules of this Schedule which may be applicable to his case.

Regarding Provision for the Widows of the last incumbents of resumed holdings.

9. On the resumption of any lands under the Rules of this Schedule, a moiety, or other portion may be continued to the Widows of the last incumbents during their lives, in cases of proved poverty and destitution.

Provision 1st.—In the case of a holding, which is recognizable as an hereditary personal Inam, the widow of a proprietor who dies without surviving male issue, or other heirs to whom his Inam will of necessity descend, is by right his sole heir, and during her life, the Inam cannot be regarded as having lapsed to Government: it

should therefore, in such a case, be continued undiminished during the widow's life.

Regarding the exception of certain tenures from the application of these Rules.

10. These Rules shall not be necessarily applicable to Jageers, Serinjams, or other tenures for service to Government, or tenures of a Political nature, the titles and continuance of which shall be determined as heretofore under such Rules as Government may find it necessary to issue from time to time.

Regarding the modification and interpretation of these Rules.

11. Any of these Rules may be relaxed in favor of claimants under instructions from the Governor of Bombay in Council, in whom shall also be vested the power of interpreting the precise meaning of any of the Rules respecting which a question may arise.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XII. OF 1852.

Passed by the Governor General of India in Council, on the 20th February 1852.

An Act to repeal Act No. II. of 1848, *and to confer certain powers on the Commissioners for the Improvement of the Town of Calcutta.*

WHEREAS by Section LXV. of Act No. X. of 1852 it is, among other things, enacted that certain funds therein mentioned should be applied by the Commissioners for the Improvement of the Town of Calcutta in cleansing, improving, and embellishing the said Town: And whereas it is expedient that the said Commissioners should be invested with further powers for the effectual accomplishment of the purposes aforesaid, It is hereby enacted as follows:

I. Act II. of 1848, and the Bye-Laws made in pursuance thereof, and the Regulation for the Good Order and Civil Government of the Settlement of Fort William in Bengal, passed in Council on the 28th day of October 1814, are hereby repealed. Act X. of 1852, repealing Act XVI. of 1847, shall not be construed so as to revive Act XXIV. of 1840.

Commissioners to appoint Surveyors and other Officers.

II. The said Commissioners may, subject to confirmation or disallowance by the Governor of Bengal, nominate, appoint and employ, respectively, such Surveyors, Inspectors, and other necessary Officers and Servants as may be necessary or proper for the execution of the powers hereby vested in them; and such Surveyors, Inspectors, Officers and Servants shall receive such salaries as to the Governor of Bengal shall seem meet.

Commissioners to have management and control over streets, drains, &c.

III. The management and control over all the streets within the said Town of Calcutta, existing at the time of the passing of this Act, and of all parts of the said Town which shall hereafter become streets, and the pavements and other materials therein, and all erections and buildings, materials, implements or other things provided for the said streets by or under the authority of the Governor of Bengal, or by the Magistrates of Calcutta, or by the said Commissioners, and also the management and control of all public tanks, aqueducts and canals, and of all sewers and drains, whether public or private, now made or hereafter to be made within the said Town, are hereby vested in the said Commissioners for the purposes of this Act.

Commissioners empowered to make or widen or stop up streets.

IV. The said Commissioners, by and with the consent of the Governor of Bengal, may lay out, make, build and construct streets, and may alter and widen narrow streets, and may turn, divert, discontinue or stop up streets, within the said Town, regard being had to the compensation of owners of lands which may be required to be vested in the said Commissioners for any such purposes, and of owners of lands which may be damaged or deteriorated in value by the turning, diverting, discontinuing, or stopping up of any such streets,—and in case of dispute, the amount of such compensation shall be ascertained and paid in the manner and according to the provisions

provisions contained in Act XXII. of 1847, which is hereby declared to be applicable to all claims for compensation made in respect of any acts done by the said Commissioners under the authority of this Act. Provided always, that it shall not be lawful for the said Commissioners, or any other person, to make or lay out any new street, unless the same, being a carriage road, be at least 50 feet wide, exclusive of the drains at the sides thereof, or not being a carriage road, be at least 20 feet wide, exclusive of the drains at the sides thereof.

Power to Commissioners to pave and water streets, &c., erect pumps, &c., and make convenient tanks, &c.

V. The said Commissioners, with the consent and approbation of the Governor of Bengal, shall pave, metal, and water such of the public streets existing in the said Town at the time of the passing of this Act, or at any future time, as they shall think fit; and it shall be lawful for the said Commissioners to excavate and provide convenient tanks or runs of water through the said Town, and to sink wells, and lay, erect, and place pipes, gutters, conduits and pumps in any of the said streets, and may remove and alter the same when and in such manner the said Commissioners shall think proper.

Power to Commissioners to purchase lands, &c., for the purposes of this Act.

VI. The said Commissioners, by and with the consent of the said Governor of Bengal, may, by agreement or in conformity with the provisions of Act XXII. of 1847, purchase or take absolutely or on lease, for such terms as they may think fit, any water-works, streams of water, lands, fixtures or other property which the said Commissioners may deem it necessary to purchase or take for any work or purpose which they are required or authorized to do and execute under this Act, or the said Act No. X. of 1852, and when the said Commissioners take and purchase any lands for the purposes of this Act otherwise than with the consent of the owners and occupiers thereof, they shall,

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in exercising the powers so given, be subject to the provisions and restrictions contained in the said Act No. XXII. of 1847; and the said Commissioners shall make to the owners and occupiers of and all other parties interested in any such lands taken for the purposes of this Act, full compensation for the value of the lands so taken, and for all damages sustained by such owners, occupiers and other parties, by reason of the exercise, as regards such lands, of the powers vested in the Commissioners by this Act; and the amount of such compensation shall be determined in the manner provided by the said Act No. XXII. of 1847, for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of the said Act No. XXII. of 1847 shall be applicable to determine the amount of any such compensation, and to enforce the payment or other satisfaction thereof.

Power to Commissioners to sell lands, &c.

VII. The Commissioners, by and with the consent of the Governor of Bengal, may sell or dispose of any lands or other property vested in or acquired by them under the powers herein, or in the said Act No. XXII. of 1847, contained, which it may appear to the Commissioners may be properly sold or disposed of; and for completing and carrying any such sale of lands into effect, the Commissioners may make and execute a conveyance of the lands sold and disposed of as aforesaid unto the purchaser, or as he shall direct, and such conveyance shall be under the hands of three of the Commissioners, and under the seal of the Commissioners, and a receipt, under the hands of three of the Commissioners, shall be a sufficient discharge to the purchaser of any such lands for the purchase-money in such receipt expressed to be received, and the money to arise from such sale shall be applied to such of the purposes of this Act as the Commissioners shall think fit.

VIII. The

VIII. The said Commissioners may from time to time, as they shall see fit, widen, deepen, embank, alter, arch over, amend, clean and scour out all or any of the sewers or drains within the said Town as may be necessary, and also cleanse and drain off into any sewers or drains, and fill up and level or otherwise abate all stagnant pools, ditches, tanks and other receptacles of foul water and filth existing within the said Town, whether the same be the private property of any person or persons or otherwise, and the said Commissioners, if they shall think fit, may take up, stop, fill in, and discontinue any sewers or drains which they shall deem useless or unnecessary; Provided always that the expenses incurred in respect of any such works done or executed on the private property of any person, if not defrayed by such person on demand thereof, may be recovered by distress and sale of the goods and chattels of such person, and any two of the said Commissioners may issue their warrant of distress accordingly.

Power to Commissioners to improve and cleanse or to discontinue drains, &c.

IX. Every Commissioner and the Surveyor to the Commissioners, with such subordinate Officers or persons as they may require shall, when it shall be necessary or convenient for the purpose of making any survey or examination of any sewers or drains, or of making or repairing or cleansing any sewers, drains, or works within the said Town, or of carrying into execution any of the powers entrusted to the Commissioners by this Act, or Act No. X. of 1852, have full power and authority, at all reasonable hours in the day-time, to enter, examine, and lay open, or to direct their subordinate Officers to enter, examine, and lay open, any house, building or other erection, or any lands, without being liable to any action at Law or suit in Equity, or any other legal proceedings or molestation whatsoever for or on account of such entry, examination, or works, or of anything done or to be done in any part of such house, building, erection, or land in pursuance of this Act; Provided always, that except

Power to Commissioners to enter, examine, and lay open houses, lands, &c., for that purpose. Compensation in certain cases.

in cases of emergency, none of the persons above mentioned shall enter, examine or lay open any house, building or other erection, or lands which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice of their intended entry and of the object thereof; Provided also, that compensation shall be made for any damage occasioned by such entry and works to all persons other than the owners and occupiers of any land or building in respect of which any private drain or sewer, or the state of drainage shall be inspected, cleansed, or repaired, and other than the owners or occupiers of any premises where any nuisance may exist, and other than the person who may have caused such nuisance; and provided also, that in case no nuisance shall be found to exist in or on the house, building or other erection, or lands so entered, examined, and laid open as aforesaid, the said Commissioners shall, out of the rates and taxes aforesaid, cause the said house, building, or other erection, or lands, to be restored to the same state and condition in all respects as the same were in before they were so entered, examined, or laid open.

Power to Commissioners in case of ruinous or dangerous buildings.

X. If any house, building, or wall, or anything affixed thereon, within the limits of the said Town, be deemed by the Commissioners or their Surveyor to be in a ruinous state, or likely to fall, and also dangerous to passengers or the occupiers of neighbouring buildings, such Surveyor shall immediately cause a proper board or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner of such house, building, or wall, or other thing, if he be known and resident within the said limits, and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or other thing, as the case shall require; and if such owner or occupier

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do not begin to repair, take down, or secure such house, building, wall, or other thing, within the space of three days after such notice has been given or put up as aforesaid, and complete the same as speedily as the nature of the case will admit, the said Commissioners shall, with all convenient speed, cause all or so much of such house, building, wall, or other thing, as shall be in a ruinous condition, or likely to fall, and also dangerous as aforesaid, to be taken down, repaired, rebuilt, or otherwise secured in such manner as shall be requisite; and all the expenses of putting up every such fence, and of taking down, repairing, rebuilding or securing such building, wall, or other thing, shall be paid by the owner thereof, if such owner can be found within the said limits; and if, on demand of the expenses aforesaid, he neglect or refuse to pay the same, then such expenses may be levied by distress on the goods and chattels of the owner of the said house, building, wall, or other thing, and any two Commissioners may issue their warrant of distress accordingly.

XI. If any such house, building, wall, or other thing, or any part of the same, be pulled down by virtue of the powers aforesaid, the Commissioners may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such house, building, wall, or other thing, and the Commissioners shall restore any overplus arising from such sale to the owner of such house, building, wall or other thing, on demand; nevertheless the Commissioners, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

XII. The

Power to Commissioners to make canals, aqueducts, sewers, drains, &c.

XII. The said Commissioners, by and with the consent of the Governor of Bengal, may construct, make, and lay, or cause to be constructed, made, and laid, such reservoirs, canals, aqueducts, channels, tanks, sewers, drains, bridges, banks, conduits, machinery, engines, waste-gates, stop-gates, stop-cocks, sluices, tunnels, water-pipes, and other works, as shall, in their opinion, be necessary and proper for obtaining water and supplying the same to the said Town, and for the effectual draining and cleansing of the said Town, and for the properly flushing and cleansing out such sewers in, under, or across all or any of the streets therein, whether dedicated to the public use or not, and if needful through and across all under-ground cellars, and vaults, which they may find under any of the said streets, doing as little damage as may be; and also to cause such and so many rings and openings to be made or left in the sides of the said sewers, as will be sufficient for the making or branching any drain or drains from any or all of the houses built, and which may probably be built, adjoining or near thereto, into any of the said sewers, as the said Commissioners shall think necessary for that purpose; and in case it shall be found necessary for completing any of the aforesaid works to build, carry, or continue the same in, into, through, or over any enclosed lands, or other place not being a public way, it shall be lawful for the said Commissioners to build, carry, or continue the same in, into, through, or over the said lands or other places accordingly, and the said Commissioners shall cause such sewers to communicate with and empty themselves into any public river, stream, canal, or watercourse, whether within or without the said Town, or shall cause the refuse from such sewers to be conveyed by an appropriate channel to the most convenient site for its deposit, collection, and sale, and its application as manure for agricultural purposes or otherwise, as they shall deem most expedient, but so that the same shall in no case become a public nuisance or annoyance to the neighbourhood.

XIII. For

Power to Commissioners when constructing drains and aqueducts without the jurisdiction of Supreme Court.

XIII. For the purpose of constructing any aqueducts for bringing water to the town of Calcutta from any place without the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature, or for the purpose of making sewers or drains to communicate with or empty themselves into any public sewer, lake, stream, canal, or water-course without the said limits, it shall be lawful, whenever a plan for any such aqueduct, sewer, or drain shall have been approved by the Governor of Bengal, for every Commissioner, and for the Surveyor and Secretary to the Commissioners, with such Assistants as they may require, to exercise, in the construction of such aqueduct, sewer, or drain throughout the line of country through which the said aqueduct, sewer, or drain is to run, all the powers which by this Act it is lawful for them to exercise within the said local limits, and which may be necessary for the construction of such aqueduct, sewer, or drain, without being subject to any action or molestation whatever for so doing; and it shall also be lawful for any Magistrate of any district through which the said aqueduct, sewer, or drain is to run, in furtherance of the construction of such aqueduct, sewer, or drain, to do such acts within the limits of his own district as it is by this Act lawful for a Magistrate of the Town of Calcutta to do, in furtherance of any work to be executed by the said Commissioners within the said local limits.

Power to Commissioners to execute works by contract.

XIV. It shall be lawful for the said Commissioners, instead of executing any of the works which by this Act they are authorized to execute by themselves, their servants, and assistants, to execute the same by contract with any individual or company who may be willing to undertake the same, and in that case it shall be lawful for such individual or company to exercise and enjoy all the powers and privileges which by this Act it is lawful for the said Commissioners to exercise and enjoy in the execution of any such

works. Provided always, that no Commissioner, or Officer, or servant of the Commissioners, shall be in any wise concerned or interested in any contract or work made with or executed for the Commissioners, and if any such Commissioner, or Officer, or servant, be so concerned or interested, or shall, under color of his office or employment, exact, take, or accept any fee or reward whatsoever, other than his proper salary, wages, fees, and allowances, he shall be incapable of afterwards holding or continuing in the office of Commissioner, or any office or employment under the Commissioners, and shall forfeit and pay the sum of Company's Rupees five hundred, which may be recovered by any person, with full costs of suit, by action of debt.

Power to Commissioners to contract for supply of water, and to grant leases for that purpose.

XV. The said Commissioners may, with the consent and approbation of the said Governor, contract and agree with any person for supplying the said Town, or any part thereof, with water, and may also, with the like consent and approbation, grant to any person contracting to supply the said Town, or any part thereof, with water, a lease, for any term not exceeding twenty-one years, of any water-works, machinery, streams, waters, lands, tenements, easements, rights, privileges, and advantages, belonging to or acquired by, or which may belong to or be acquired by or be vested in the said Commissioners, under any of the powers or authorities in this or any other Act contained, so as to enable such person or persons so contracting the more effectually and efficiently to procure and supply water in pursuance of any such contract or agreement; and every such lease so to be granted by the said Commissioners may be made subject to such conditions and stipulations as to the supplying water, for the purposes of this Act, or any of them, as may be agreed upon between the respective parties thereto. Provided always, that no lease or contract made in pursuance of the powers hereinbefore contained shall be valid or effectual, for any purpose whatsoever, unless the

the said Governor's approval of the same shall be testified by writing, endorsed on such lease or contract, under the hand of the Secretary to the Government of Bengal.

Power to Commissioners to enter on lands adjacent to works, &c.

XVI. It shall be lawful for the said Commissioners, their Secretary, Surveyor, or other Officer, subject to the restrictions in this Act contained, to enter upon the lands of any corporation or person adjoining to, or being within the distance of one hundred yards of the works by this Act authorized to be made, or any part thereof, for the purpose of depositing upon such lands, or any part thereof, any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender, or deposit, the said Commissioners, their Secretary, Surveyor, or other Officer, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation or temporary damage of the said lands to the owners and occupiers thereof, from time to time, and as often as any such temporary occupation shall be taken or any such temporary damage done, and making compensation to the owners also for the permanent injury (if any) to such lands; and in case the parties differ respecting the amount of the compensation, or the respective shares of several claimants of compensation, then and in every such case the said disputes respectively shall be settled and adjusted by arbitration, or by the verdict of a Jury, summoned and assembled in manner provided in Act No. XXII. of 1847. Provided always that before the said Commissioners make any such temporary use as aforesaid of the lands adjoining or lying near to the said works, they shall give fourteen days' notice of such their intention to the owners and occupiers of such lands, and shall separate and set apart by sufficient fences so much of the lands as shall be required to be used as aforesaid from the other lands adjoining thereto.

XVII. The

Commissioners when executing works to provide convenient roads, drains, &c., for use of adjoining lands when present roads, &c., are stopped, &c.

XVII. The said Commissioners, when executing any works hereby authorized to be made, shall, at their own expense, make and provide a sufficient number of convenient roads, ways, watering-places, wells, water-courses, drains, and channels for the irrigation and for the use of the adjoining lands, and for irrigating the same in those parts where the present roads, ways, watering-places, wells, water-courses, drains, and channels, shall and may be taken away or interrupted, injured, or rendered inconvenient or useless by reason of the execution of the said works, and in case of any difference arising between the said Commissioners and the owners of such adjoining lands, such difference shall be settled by arbitration, or by the verdict of a Jury summoned and assembled in manner provided in Act No. XXII. of 1847.

Power to Commissioners to make compensation out of rates, &c.

XVIII. The said Commissioners shall make full compensation out of the rates and taxes to be levied by them to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, or their Officers or servants, under and by virtue of this Act.

Power to Commissioners to prosecute in certain cases.

XIX. It shall be lawful for the said Commissioners to direct any prosecution before any Court or Justice of the Peace for any public nuisance whatsoever which shall be permitted, suffered, or committed within the said Town, and to order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and to direct and order the expenses of such prosecutions and other proceedings to be paid and borne by and out of the funds placed at their disposal under the provisions of this or any other Act.

XX. It

Power to Commissioners to prefer bill of indictment in certain cases.

XX. It shall be lawful for the said Commissioners, if they shall not think fit to take any other proceedings prescribed by this Act, to prefer any bill of indictment or information, or to take any other proceedings against any person who shall obstruct or molest the said Commissioners, or their Secretary, Surveyor, or other Officer or servant, or any workman or other person employed by them in the performance and execution of their or his duty, under or by virtue or in consequence of this Act, or who shall steal, take, or carry away, or wilfully deface or injure any property, article, or thing belonging to the said Commissioners, and in every such case it shall be sufficient to state generally the property, article, or thing, in respect of which such proceeding shall have been taken, to be the property of the said Commissioners.

Power to Commissioners to arrest unknown offenders without warrant.

XXI. It shall be lawful for any of the Commissioners, their Secretary, Surveyor, Inspectors, Overseers, or any servants or persons employed by them, and for any Inspector of Police or Policeman employed in the said Town, and such other person or persons whom he or they shall call to his or their assistance, without any summons or warrant, or other authority than this Act, to seize and detain any unknown person who shall commit any offence against the provisions of this Act, and to take him immediately to a Police Station, where he shall be detained in default of Bail until he can be taken before any Justice of the Peace, who is hereby required to proceed and act with respect to such offender according to the provisions of this Act.

Power to Commissioners to enter and inspect bazars, slaughter-houses, &c., and to seize unwholesome articles exposed for sale.

XXII. The Commissioners, or any one of them, or any person appointed by them for that purpose, may at all reasonable times, with or without assistants, enter into and inspect any market, building, shop, stall, or place, kept

or used for the sale of butcher's meat, poultry, fish, or vegetables, or as a slaughter-house, and may examine any animal, carcase, meat, poultry, game, flesh, fish, or vegetables which may be therein, and in case any animal, carcase, meat, poultry, game, flesh, fish, or vegetables appear to be intended for the food of man, and to be unfit for such food, may seize, remove, and destroy the same at the expense of the owner thereof, or the owner, occupier, or farmer of any such public market, bazar, or slaughter-house, or private shop or stall within the Town, wherein the same shall be exposed or allowed to be exposed for sale.

Power to Commissioners to remove obstructions in streets.

XXIII. The Commissioners or their Surveyor shall have full power and authority to remove or order the removal of any wall, fence, rail, post, or other obstruction or encroachment in any street, or in or over any drain, sewer, or aqueduct within the said Town, whether the proprietary right to such street, drain, sewer, or aqueduct shall be in dispute or not; Provided always that nothing in this Act shall be construed to give the said Commissioners or their Surveyor power to remove such wall, fence, or other obstruction after the decree or order of any competent Court has declared the land, walled, fenced, or railed in, to be private property.

Power to Commissioners to fill up unwholesome tanks.

XXIV. When any private tank, or low marshy ground, shall appear to the Commissioners to be offensive to the neighbourhood or unwholesome, it shall be lawful for the said Commissioners to require, by notice in writing, the owner thereof to cleanse or fill up the same, and if the said tank shall remain uncleansed or not filled up for seven days after such notice, it shall be lawful for the said Commissioners to enter into and upon the adjoining lands, and to cleanse or fill up the said tank as they shall think fit, and the expense incurred thereby shall be paid by the owner of such tank, to be recovered in manner hereinafter mentioned.

XXV. The

XXV. The Commissioners may affix on or to the wall of any house or compound, or in or to any wall within the said Town, as they shall think fit, any board or metal plate to indicate the name of the street in which such house, compound, or wall is situate, or any lamp for the purpose of lighting the street.

Power to Commissioners to affix boards or plates to houses.

XXVI. It shall be lawful for the said Commissioners or their subordinate Officers, as they shall think fit, to kill and destroy, or to order to be killed and destroyed, all dogs that may be found loose in the said streets, and not accompanying their owners or some person in charge of them.

Power to Commissioners to kill dogs.

XXVII. The said Commissioners shall, so far as the funds at their disposal will admit, keep in good and sufficient repair every street now or at any future time existing in the said Town.

Commissioners to repair streets, &c.

XXVIII. When any of the streets, sewers, or drains in the said Town are being made, or shall be under repair, the Commissioners or their Surveyor, or other subordinate Officer, shall take proper precautions against danger by shoreing up and protecting the adjoining houses, and shall fix and place, or cause to be fixed and placed such and so many bars, chains, or posts across or in any of the said streets to prevent the passing and repassing of carriages, carts or other vehicles, cattle or horses, during the time of such works and repairs being carried on as shall be necessary, and the said Commissioners and their said Surveyor shall cause any sewer or drain or other works, during the construction or repair thereof by them, to be well and sufficiently lighted during the night to prevent accidents.

Commissioners to take precautions when streets and drains under repair.

XXIX. The

Commissioners to light the Town.

XXIX. The said Commissioners, so far as the funds at their disposal will admit, shall provide lamps for lighting such parts of the said Town as the said Commissioners shall consider to require the same, and shall keep the said lamps in fit order for public use, and shall keep and employ a sufficient number of persons to cleanse, prepare, repair, and light the same, and shall also from time to time, as shall be required, increase or otherwise alter the number and situation of the said lamps, as to them shall appear necessary for the lighting of the said town.

Commissioners to keep town clean, remove dirt, &c.

XXX. The said Commissioners and their said Surveyor and other Officers shall cause all the public streets of the said Town, together with the foot-pavements or foot-paths therein, from time to time to be properly swept and cleansed, and all dust, dirt, soil, ashes, rubbish and filth of every sort which may be found thereon to be collected and removed therefrom at convenient hours and times, and shall cause all or any of the privies, cesspools, and drains within the said Town to be cleansed and emptied in a sufficient and proper manner by the owners or occupiers of the premises; and the said Surveyor, or other subordinate Officer of the Commissioners, shall give such orders and directions to the owners and occupiers aforesaid as to the said Surveyor or other Officer as aforesaid, acting under the orders and control of the said Commissioners, shall appear proper and necessary, and the said Commissioners may, in their discretion, order and direct where, and in what places, and how, and in what manner, the dust, dirt, soil, night-soil, ashes, rubbish and filth collected in the said Town shall be deposited and disposed of.

Owners to prevent effluvia from drains, &c.

XXXI. The owners of any private drains in the said Town shall by providing proper traps or other coverings, or by ventilation, or by such other ways and means as shall be practicable

practicable for that purpose, prevent as far as possible the effluvia of sewers and drains from exhaling from gully-holes, gratings, or any other openings whatsoever of drains or sewers in streets or other places, and in case the owner of any private sewer or drain shall neglect or delay so to do, the Surveyor of the said Commissioners shall give him notice to prevent as far as possible the effluvia of such sewer or drain from so exhaling, and if the same shall not be done by such owner within ten days after such notice shall have been given to him, the said Surveyor shall forthwith provide and apply proper traps or other coverings, or such other means as aforesaid, so as effectually to prevent such effluvia from exhaling, and the expense incurred thereby shall be paid by the owner of such sewer or drain, to be recovered in manner hereinafter mentioned.

Commissioners to issue certificates prohibiting improper burial-places.

XXXII. If upon the representation of the Surveyor of the Commissioners, and after inquiry by such other ways and means as the Commissioners may think fit to direct, the said Commissioners shall certify, (such certificate to be published in the *Calcutta Gazette* and in one of the English and Bengallee newspapers respectively usually circulated within the Town,) that any burial-ground situated within the said town is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or that any church or other place of public worship within the Town is dangerous to the health of persons frequenting the same by reason of the state of the vaults or graves within the walls of or underneath the same, and that sufficient means of interment exist within a convenient distance from such burial-ground, church, or place of public worship, it shall not be lawful, after a time to be named in such certificate, to bury or permit or suffer to be buried any further corpses or coffin in, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such

 certificate,

certificate, and whosoever after notice of such certificate buries or causes, permits, or suffers to be buried any corpse or coffin contrary to this enactment, shall for every such offence be liable, on conviction before a Justice of the Peace, to a penalty not exceeding Company's rupees five hundred.

No vault or burial-place henceforth to be constructed without leave of Commissioners.

XXXIII. No vault or grave shall be constructed or made within the walls of or underneath any church or other place of public worship built in the said Town after the passing of this Act, and no burial-ground shall be made or formed within the said Town after the passing of this Act without the consent of the Commissioners first had and obtained, and whosoever shall bury or cause, permit, or suffer to be buried any corpse or coffin in any vault, grave or burial-ground constructed, made, or formed contrary to this enactment, shall for every such offence be liable, on conviction before a Justice of the Peace, to a penalty not exceeding Company's rupees five hundred.

No writ to be sued out against them till after one month's notice, &c., action to be brought in three months; Commissioners may tender amends.

XXXIV. No writ or process shall be issued out against or served upon any Commissioners or any Secretary, Surveyor, or other Officer or person whomsoever, acting under the direction of the Commissioners for any thing done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered to him or left at his office or place of abode, explicitly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause, and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant, and every such action shall be brought or commenced within three calendar months

months next after the accrual of the cause of action, and not afterwards, and if any party shall have committed any irregularity, trespass, or other wrongful proceedings in the execution of this Act or by virtue of any power or authority hereby given, and if before action brought in respect thereof such party shall make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action when brought, and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

Commissioners and their servants not to be personally liable when act done *bonâ fide*.

XXXV. No matter or thing done, or contract entered into by the Commissioners, or any one of them, or by any Secretary, Surveyor, or other Officer or person whomsoever, acting under the direction of the Commissioners, shall, if the matter or thing were done, or the contract were entered into *bonâ fide* for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever, and any expense incurred by any such Commissioners, Secretary, Surveyor, or other Officer or person acting as last aforesaid, shall be borne and repaid out of the funds under the control of the Commissioners.

Streets, drains, filth, &c., the property of Commissioners as Trustees.

XXXVI. All the streets existing within the said Town at the time of the passing of this Act, and all parts of the said Town which shall hereafter become streets, and also the pavements, stones and other materials therein, and all erections and building materials, implements or other things provided for the said streets, by or under the authority of the Government of Bengal, or by the Magistrates of Calcutta, or by the said Commissioners, and also

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all public sewers and drains within the said Town, together with all works, materials and things therewith connected and belonging, existing in the said Town at the time of the passing of this Act, or which shall hereafter be constructed and made therein by the said Commissioners or otherwise, and also all canals, aqueducts, conduits, tunnels, water-works, cisterns, pumps, pipes, tanks, reservoirs and wells which now are or shall hereafter be provided or lawfully applied to public use, and which are not the property of any private person, together with all buildings, engines, works, materials and things therewith connected, existing in the said Town at the time of the passing of this Act, or which shall hereafter be constructed and made therein at the costs of the said Commissioners or otherwise, and also all lands surrounding and belonging to public tanks and slips of ground alongside of any street, drain or aqueduct not the property of any private person, and also all lands belonging to the late Lottery Committee and not legally appropriated, and also all dirt, dust, dry and liquid filth, ashes and rubbish to be collected from the streets, houses, privies, sewers and cess-pools and elsewhere within the said Town shall be the property of and are hereby vested in the said Commissioners as Trustees for the purposes of this Act.

Act not to exempt parties guilty of nuisance from prosecution or action.

XXXVII. Nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be deemed and adjudged to be a nuisance at common Law, nor to exempt any person guilty of a nuisance at common Law, from prosecution or action in respect thereof. Provided always, that if any person convicted of an offence under this Act, shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof, or shall have suffered imprisonment in respect of such offence, in every such case he shall be released from all further or other criminal proceedings for the same offence.

Parties may make branch drains into public sewers, as Surveyor of Commissioners shall order. Penalty for offences against this Section.

XXXVIII. It shall be lawful for any person, at his own expense, to make or branch any drain into any of the sewers vested in the said Commissioners, or authorized to be made by virtue of this Act, or otherwise acquired by the said Commissioners, such drain being made of such a size and in such a manner of communication in all respects as the said Surveyor of the said Commissioners shall direct, and for that purpose to take up and remove with the permission of the Commissioners so much of the pavement and other materials of any street as may be required, unless the said Commissioners shall consent and agree, which they are hereby authorized to do, to form so much and such portion of such drain as shall lead from the point of communication in such sewer to the extremity of such street, and in case any person shall make or branch any drain into any of the said sewers so vested in the said Commissioners, or authorized to be made, under and by virtue of this Act, of a different size or in a different manner and form of communication than shall be directed or appointed by the said Surveyor, every person so offending shall, for every such offence, forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding fifty rupees, and in default of payment shall be imprisoned for any period not exceeding one month, and the said Justice shall order the said person so offending to alter such drain as required by the said Commissioners within ten days, and in default the said Commissioners shall, at the expense of the maker of such drain, alter or destroy the same as they shall think fit, and in case the expense of making such alteration or destruction shall not be paid by the owner or maker of such drain, the expense incurred thereby shall be recovered in manner hereinafter mentioned.

Commissioners may contract with owners to make such drains at their expense.

XXXIX. It shall be lawful for the said Commissioners to contract and agree with the owners of any houses or other tenements within the said Town, that any drains required

to be constructed and made by such owners shall be constructed and made by the Surveyor of the said Commissioners, and the cost price of making such drains, (as certified by the said Surveyor of the said Commissioners,) shall be repaid by such owners to the said Commissioners, and in default of such payment the same may be recovered in the manner hereinafter provided.

Notice to be given to Commissioners before any new sewer or building is commenced to be built, as Surveyor shall direct.

XL. Before beginning to dig or lay the foundations of any new house, building, or wall within the said Town, or to rebuild any house, building, or wall therein, contiguous or near to any street, and not being within the compound wall of any premises, and also before making any sewer or drain for the purpose of draining water directly or indirectly from any land or tenement into any sewer under the jurisdiction of the said Commissioners, fourteen clear days' notice in writing shall be given to the Secretary to the said Commissioners by delivering the same to him or leaving it at his office by the person intending to build or rebuild such house, building, or wall, or to make such sewer or drain; and every foundation of any such house, building, or wall, and the drains within the same, shall be laid at such level as the Surveyor of the said Commissioners shall direct, and so as that no part of the said house, building, or wall shall project or encroach into or over the adjoining street, drain, or aqueduct, and so as that the said drains may be properly built with reference to the adjoining public drains, and every such branch drain shall be made in such direction, manner, and form, and of such materials and workmanship as the said Surveyor shall order, and the building or rebuilding of any such house, building, or wall shall be under the survey and control of the said Commissioners and their Surveyor so far as may be necessary to prevent any projection or encroachment in or over any street, drain, or aqueduct, and to insure that the level of the drains within such house, building, or wall shall be properly built with reference to the public

public drains; and in default of such notice as aforesaid, or if such building or drain shall be begun, or made without, or in any respect contrary to, any order of the said Surveyor, or of the provisions of this Act, it shall be lawful for the said Commissioners to cause such building to be demolished, and to cause such drain to be re-laid, amended, destroyed, or re-made as the case may require, and to cause the expenses thereof to be levied and re-paid to them from and by the owner thereof in manner hereinafter provided.

Penalties for certain offences in the streets.

XLI. Every person upon conviction before any Justice of the Peace, on the testimony of one or more credible witnesses, shall be liable to a penalty of not more than fifty rupees, or in default of payment thereof, to imprisonment, with or without hard labour, for any term not exceeding one month, who, within the limits of the said Town, shall commit any one of the following offences; (that is to say,)

For throwing dirt, &c., on streets.

1. Every person who shall throw or put, or cause or order or allow his servants to throw or put, or from whose permises shall be thrown or put, any dirt, dung, mud, dust, ashes, garden or stable refuse, or rubbish of any kind, or the carcase of any dog or other animal, or any flesh or other part of an animal, or any animal matter, upon any of the public streets, except between the hours of midnight and seven in the morning.

For throwing bottles, glass, &c.

2. Every person who shall throw or put, or cause or allow to be thrown or put, or from whose premises shall be thrown or put, any broken bottles, glass, china or crockery-ware upon or into any street, drain or aqueduct.

For keeping dirt, &c., in houses.

3. Every person who shall keep, or allow to be kept, for more than twenty-four hours, any dirt, dung, mud, dust, bones, ashes, night-soil, or other rubbish of a perishable

and

and noisome kind in or upon any house, out-house, yard, or ground occupied by him.

For neglecting to keep drains, &c., clean.

4. Every person being the owner or occupier of any private tatty, drain, sewer, cesspool, tannery, or other receptacle of filth, who shall neglect or refuse to keep the same in a clean and proper state, or to employ proper means to remove any noisome smell or the filth therefrom, or who shall expose the contents of such privy to the view of the passers by in the street.

For allowing house or ground to be in a filthy or unwholesome state.

5. Every person being the owner or occupier of any house, hut, building, or lands whether tenantable or otherwise, who shall suffer the same to be in a filthy and unwholesome state, or overgrown with rank and noisome vegetation.

For allowing offensive liquids to drain into tanks or water-works.

6. Every person who shall cause or allow the water of any sink, sewer, or drain or other offensive liquid matter belonging to him, or running through or being on his land, to run, drain, or be carried into or upon any of the streets, tanks, aqueducts, or reservoirs belonging to the Commissioners, or who shall commit or cause any act whatsoever whereby the water provided for the domestic use of the inhabitants of the Town shall be in any way fouled or corrupted, or who shall throw or put, or cause or order or allow his servants to throw or put, or from whose premises shall be thrown or put, any dirt, dung, mud, dust, ashes, night-soil, garden or stable refuse or other rubbish, into any of the public sewers or drains, or into any reservoirs, tanks, aqueducts, or other water-works belonging to the Commissioners.

For keeping common privy without licence.

7. Every person who shall have or keep any common tatty, privy, or urinal, on any ground owned or occupied by him within the Town, without a licence first had from the Commissioners

Commissioners who are hereby authorized to grant the same under the hand of their Secretary; such licence shall be granted for one year, and shall be renewed or not every year according to the discretion of the Commissioners.

For keeping common privies filthy.

8. Every person being the owner or farmer of any licensed tatty, privy, or urinal within the said Town who shall suffer such tatty, privy, or urinal to be kept in a filthy and unclean state, or shall neglect to employ proper means for cleaning and regulating it.

For destroying lamps or street-boards, &c.

9. Every person who shall wantonly or wilfully destroy, injure, or deface any of the lamps or lamp-posts in the said streets, or extinguish any light therein, or abstract or take away from any of the said lamps any oil or other matter or thing therein, or any part thereof, without the order of the said Commissioners or of their said Surveyor, or who shall wantonly or wilfully destroy, injure, or deface any board bearing on it the name of any street or the number of any building or land within the said Town, or any notice of the said Commissioners fixed or posted up in any place.

For injuring streets, taking pavements, &c.

10. Every person who shall displace, take up, or make any alteration in the pavements, flags, stones, fences, posts, or other materials of any foot or carriage-way in any street, without the consent in writing of the said Commissioners or of their said Surveyor, or who shall cause any obstruction to or make any encroachments upon any street or upon any sewer, drain, aqueduct, or space of ground alongside a street, drain or aqueduct.

For injuring, &c., any boards, &c., erected by Commissioners.

11. Every person who shall take down or remove any fences or boards, or any bars, chains, or posts erected by the said Commissioners, or extinguish any light attached to or

connected

connected with the said fences, boards, bars, chains, or posts without the authority or consent of the said Commissioners or their Surveyor.

For carrying filth through streets except at certain hours.

12. Every person who shall carry or cause to be carried in carts, pots, handies, or other vessels any night-soil or urine, or other noisome or offensive matter through the public streets except between the hours of midnight and eight in the morning, or who shall carry or cause to be carried any night-soil or urine in such manner that any offensive smell or drainings issue therefrom, or who shall place or set down in any public place any vessel containing night-soil or urine, or who shall carry or cause the same to be carried in any other than covered carts or vessels, or who shall throw or deposit any night-soil in or upon any street.

For bathing in a public street, &c.

13. Every person who shall bathe or wash any part of his person in any public street, or upon or in any of the tanks, reservoirs, aqueducts, water-works, or drains belonging to the Commissioners except in such of the said tanks, reservoirs, aqueducts, water-works, or drains as the Commissioners shall set apart for that purpose.

For washing animals, &c. in tanks or aqueducts.

14 Every person who shall wash or cause to be washed any horse, dog, or other animal, or any cloth, wearing apparel, leather, or skin of any animal, or any foul or offensive thing on any street, in or near any tanks, reservoirs, aqueducts, water-works, or drains belonging to the Commissioners, or on or in the road adjoining thereto, except in such of the said tanks, reservoirs, aqueducts, water-works, or drains as the said Commissioners shall set apart for that purpose.

For indecently exposing person.

15. Every person who shall wilfully and indecently expose his person, or who shall commit nuisance in any of the public streets.

16. Every

16. Every person being the owner or occupier of any house, hut, or building within the Town which has a drain on the same side of the street wherein such house, hut, or building is situate, who shall cause or allow any water, or liquid matter from or on such house, hut, or building to flow or be carried through pipes, gutters, water-spouts or other means on any part of any public street, or on any place but his own land or the public drain, or who shall refuse or neglect to remove or alter the direction of any such pipe, gutter, or water-spout after the expiration of ten days' notice for that purpose given by the Surveyor of the said Commissioners; and any person being the owner or occupier of any house, hut, or building in the said Town, which has not a drain on the same side of the street as such house, hut, or building, who shall convey the water from the said house, hut, or building in or upon any public street, through pipes or water-spouts the mouths of which shall be higher than two feet from the ground.

For allowing water to flow from houses or pipes on public streets, and for refusing to alter the direction of water-spouts, &c.

17. Every person being the owner or occupier of any house, hut, or building, who shall cause or allow any verandah, balcony, sunshade, or other part of any house, hut, or building to overhang and project into any public street or public place at a height of less than eleven feet from the level of the roadway or to a distance exceeding four feet from the house, and who shall refuse or neglect to take down and remove such verandah, balcony, sunshade or other projection after the expiration of fifteen days' notice for that purpose given bp the Surveyor.

For projections over streets, &c.

18. Every person who shall, after the passing of this Act, erect or set up any verandah, balcony, sunshade, or other projection of any kind which may overhang and project into the road at any height and to any distance without licence

For projections over streets after passing of this Act.

licence first obtained from the Commissioners under the hand of their Surveyor.

For washing carriages in public streets.

19. Every person who shall wash or cleanse, or cause or order or allow his servants to wash or cleanse any carriage or other conveyance, or horse or other animal, or whose carriage or other conveyance, or horse or other animal shall be washed or cleansed in any public street or other public place.

For setting up boards and scaffolding in streets without leave, &c.

20. Every person who shall place, set up, or build in any public street within the Town any board, scaffolding, post, bar, rail, hoards, or other thing by way of inclosure for the purpose of making mortar or of depositing, sifting, screening, or slackening any bricks, stone, lime, sand, or any other materials for building or repairing any house or other building, or for any other purpose whatsoever without licence first obtained from the Commissioners, who are hereby authorized to grant such licence, under the hand of their Surveyor, or who shall set up or build the same in any other manner, or allow or cause the same to be continued for any longer time than shall be allowed or expressed in such licence, or who shall cause or allow any of the building materials or other things to extend beyond the distance expressed in the licence.

For lighting obstructions, when allowed.

21. Every person who shall have been allowed by the Commissioners to set up any scaffolding or deposit any bricks, stone, lime, sand, or other building materials on the public streets, and who shall not cause a light to be set up every night from sunset to sunrise on every such erection or obstruction.

For erecting obstruction in streets whether proprietor's right be in dispute or not.

22. Every person who shall build any wall, or erect any fence or obstruction, or set up any post so as to be an obstruction in any street, whether the proprietary right to such street shall be in dispute or not.

23. Every

For exposing articles for sale in public streets, &c.

23. Every person who shall set out, place, or expose, or cause to be set out, placed, or exposed, whether for sale or otherwise any stall, booth, show-board, basket, cask, or meat, fish, vegetable, fruit, groceries, or any other merchandise or goods of any kind, or any stone, bricks, earthen-ware, hard-ware, timber, or any other thing whatsoever, whether animal, vegetable, or mineral, in or upon any of the public streets or on or over any drain, sewer or aqueduct.

For sifting or cleansing grain, &c., in public streets.

24. Every person who shall sift or clean, or cause to be sifted or cleansed, or exposed for any other purpose any cotton, grain, seeds, rice, coffee, onions, or any other vegetable matter whatsoever, or who shall sift brickdust or lime on any public street, or on or over any public drain, sewer, reservoir, or aqueduct.

For leaving vehicles in public streets, &c

25. Every person who shall keep or leave any carriage, cart, hackery, or other conveyance, or any horse, ox or other animal, on any public street or on or over any public drain, sewer, or aqueduct, so as to cause an obstruction in the streets or public thoroughfare.

For making fires and discharging fire-arms and fire-works in streets.

26. Every person who shall set fire to or burn any straw, hay, seeds, timber, or any other matter, or light any bonfire or fire in any public street, or discharge any kind of fire-arms or any air-gun, or let off or throw any kind of fire-works or send up any fire-balloon any where in the said Town.

For sounding musical instruments or metals in streets.

27. Every person who shall beat or sound any musical or sounding instrument, or any brass or metal utensil in the public streets, except at such times and places as shall be from

 time

time to time appointed by the Chief Magistrate upon application made to him for that purpose.

For affixing bills, or otherwise defacing houses, &c.

28. Every person, other than the said Commissioners or their servants, who shall affix any bill, notice, or any paper against or upon any building, wall, fence, or board, or who shall write upon, deface, or mark with chalk, or paint, or in any way whatsoever, any building, wall, fence, or board without the consent of the owner or occcupier thereof.

For exposing unwholesome food, &c.

29. Every person who shall expose or allow to be exposed within the limits of the said Town any animal, carcase, meat, poultry, game, flesh, fish, or vegetables in a decayed and unwholesome state and unfit for the food of man.

For slaughtering in streets.

30. Every person who shall slaughter or cut up any beast, sheep, swine, or other animal in any public street, or so near thereunto that any blood or filth or other matter from the same shall flow or be carried into such street.

For keeping a market unclean, &c.

31. Every person being the owner, occupier, or farmer of any public market, bazar, or slaughter-house, who shall keep or allow the same to be kept in a filthy and unclean state, and shall refuse or neglect, after the expiration of two days' notice to be given by the said Commissioners or their Surveyor, Overseer, or Bazar Inspector, to cause such market, bazar, or slaughter-house to be properly cleansed and the filth thereof removed.

For keeping swine, &c., in the Town.

32. Every person who shall keep in any street, house, out-house, yard, or ground within the Town, any swine or a flock of more than twenty sheep, goats, or horned cattle.

Bathing places at the river to be set apart.

XLII. It shall be lawful for the said Commissioners, with the concurrence of the Chief Magistrate, to set apart, at their discretion, certain of the public ghauts on the Calcutta bank of the River Hooghly for the purpose of being used as bathing places, and every person who shall by landing goods or merchandise at the said ghauts, or who shall by anchoring or otherwise fastening or keeping boats or vessels of any description in any manner obstruct or incommode the bathers at any such ghaut, shall be liable, on conviction before a Justice of the Peace, to a fine not exceeding fifty rupees, or, at the discretion of such Justice, to imprisonment for a period not exceeding one month.

Commissioners, and Chief Magistrate, may allow illuminations on street.

XLIII. It shall be lawful for the said Commissioners, with the concurrence of the Chief Magistrate, at their discretion, to grant a licence to any person permitting him to put up posts on the side of any public street for the purpose of affixing thereon lamps to illuminate the said street on occasions of festivals or ceremonies; and any person who shall put up any such post, or affix any such lamp for any purpose, without licence first had and obtained from the Commissioners under the hand of the Secretary or Surveyor, shall, on conviction thereof before a Justice of the Peace, be liable to a fine not exceeding one hundred rupees, and in default of payment, shall be imprisoned for any period not exceeding one month.

Slaughter-houses to be registered; penalty for not registering.

XLIV. Every person being the owner, occupier, or farmer of any public market, bazar, or slaughter-house within the Town, shall cause such market, bazar, or slaughter-house to be registered at the office of the Commissioners, with a general description of the place, size, number of shops and stalls, and kinds of goods therein exposed for sale; and if he shall refuse or neglect so to register the same he shall forfeit and pay, on conviction before a Justice

Justice of the Peace, a sum not exceeding one hundred rupees, and in default of payment thereof, shall be liable to be imprisoned for any period not exceeding one month.

Penalty for making and using any new slaughter-house within the Town without the consent of Commissioners, &c.

XLV. No place shall be used or occupied as a slaughter-house, within the said Town, which was not in such use and occupation at the time of the passing of this Act, and has not so continued ever since, unless and until a licence for the erection thereof, or for the use and occupation thereof, as a slaughter-house has been obtained from the Commissioners, and every person who, without having first obtained such licence as aforesaid, shall use as a slaughter-house any place within the said limits not used as such at the time of the passing of this Act, and so continued to be used ever since, shall for every such offence forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding one hundred rupees, and in default of payment shall be liable to be imprisoned for any period not exceeding one month.

Owners of bazars, tanneries, &c., shall have sufficient drains.

XLVI. Every person being the owner, occupier, or farmer of any market, bazar, tannery, or slaughter-house within the said Town is required to have such a number of drains therein as shall be considered sufficient by the Commissioners, and shall have all the floors and drains paved with stone or burnt brick, and he shall have also therein a supply of water sufficient in the judgment of the Commissioners to keep the whole place in a clean and wholesome state at all times, and in default thereof for four weeks after notice given to him by the Surveyor, Overseer, or Inspector of Markets that such market, bazar, tannery, or slaughter-house is defective in any of the said particulars, shall forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding one hundred rupees, and in default of payment shall be liable to be imprisoned for any period not exceeding two months.

XLVII. Any

XLVII. Any person who, after the passing of this Act, shall establish any new tannery or other manufactory within the said Town, from which an offensive or unwholesome smell may arise, shall forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding two hundred rupees, and in default of payment shall be liable to be imprisoned for any term not exceeding two months.

Penalty for establishing any new tannery, &c., in Town.

XLVIII. All doors and gates put up after the passing of this Act within the limits of the said Town, and which open upon any street, shall be hung or placed so as not to open outwards; and if any such door or gate be hung or placed so as to open outwards on any street, the occupier of such house, building, yard, or land shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards, and in case he neglects so to do the Commissioners may make such alteration, and the expenses of such alteration shall be paid to the Commissioners by such occupier, and shall be recoverable from him in manner hereafter mentioned. And if any such door or gate was before the passing of this Act hung so as to open outwards upon any street, the Commissioners may alter the same, or cause the same to be altered, so that no part thereof when open shall project over any public way.

Doors in future to be made to open inward, and doors opening outwards may be altered by the Commissioners.

XLIX. Every person being the owner or occupier of a house in the Town, shall fix, at his own expense, in a conspicuous place outside of the house or of his gate, in the street, the number of the same, as recorded in the assessment books, and no other number, and the said number shall be in legible figures at least three inches in length, and any person who, after the expiration of three months after the publication of this Act, shall neglect

Number of house to be affixed to it.

or refuse to have such number affixed, shall, on conviction before a Justice of the Peace, forfeit and pay a sum not exceeding fifty rupees.

Occupiers to keep lamp lighted outside their gates in the streets.

L. Every person being the occupier of a house in the said Town, and rated at a gross monthly rental of rupees seventy and upwards for the same, shall fix, at his own expense, in a conspicuous place outside of his house, or if the said house be in a compound, outside of his gate, in the street, a lamp, of a pattern to be approved or allowed by the Commissioners, and the said occupier shall keep and maintain a good and sufficient light burning in the said lamp throughout the night, and any person who, after the expiration of three months next after the passing of this Act, shall neglect or refuse to have such lamp affixed as aforesaid, or who shall on any night after the expiration of the said three months, neglect or refuse to keep a good and sufficient light burning therein as aforesaid, shall, on conviction before a Justice of the Peace, forfeit and pay a sum not exceeding one hundred rupees.

Provision for repetition of offences.

LI. When any person shall have been convicted under the provisions of this Act, and shall not, within seven days after such conviction, discontinue the nuisance or cease to commit the offence for which he was so convicted, such person shall be again liable to the penalties and punishments provided by this Act for such nuisance or offence, and may be again convicted or sentenced under this Act accordingly, and in cases where by the provisions of this Act offenders are required to have notice given them to remove the obstruction or nuisance previous to being liable to the penalties imposed by this Act, if such parties being once warned shall be convicted, and shall again offend against the provisions of this Act, it shall not be necessary to repeat the notice aforesaid, but the parties may be summoned at once.

LII. Any

Obstruction of Commissioners or their Officers.

LII. Any person who shall wilfully obstruct or molest the said Commissioners or any of them, or their Secretary, Surveyor, or other Officer or Workman employed by them under the provisions of this Act, or any person or company with whom they may have contracted under the provisions of this Act, or any person employed by them in the performance or execution of any duty or thing which they are respectively required or authorized to do under this Act, shall, for every such offence, on conviction before a Justice of the Peace, forfeit and pay any sum not exceeding one hundred rupees, or, in the discretion of the said Justice before whom he is convicted, to imprisonment, with or without hard labour, for a period not exceeding three months.

No person liable for penalty unless complaint made within three months.

LIII. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act for any offence complained of before a Justice of the Peace, unless the complaint respecting such offence shall have been made before such Justice within three months next after the commission of such offence. Provided always that nothing in this Section contained shall be construed so as to prevent the removal at any time of any obstruction or encroachment in or upon any of the streets or lands, or the imposing or levying at any time of any penalty or forfeiture in respect thereof.

Manner in which damages, costs, and expenses are to be ascertained.

LIV. In all cases where any damages, costs, or expenses are by this Act directed to be paid, and the method of ascertaining the amount or of enforcing the paying thereof is not provided for, such amount in case of dispute shall be ascertained and determined by arbitration, in like manner as is provided for proceeding by arbitration under Act No. XXII. of 1847, and if the parties cannot agree upon two persons or arbitrators, or the arbitrators fail to pronounce their award as aforesaid, then by any two Justices of Calcutta, and if the amount

amount so ascertained be not paid by the said Commissioners or by the other party liable to pay the same, as the case may be, within seven days after demand thereof, the amount may be recovered by action of debt or on the case in Her Majesty's Supreme Court of Judicature or the Calcutta Court of Small Causes.

Commissioners to publish short particulars of offences.

LV. The said Commissioners shall publish short particulars of the several offences for which any penalty or punishment is imposed by this Act, affecting other persons than Officers or servants of the said Commissioners, and of the amount of every such penalty and punishment, and shall cause such particulars to be painted on a board, or to be printed upon paper and posted on a board in English and Bengallee, and shall cause such board to be hung up or affixed in some conspicuous place in the Office of the Secretary of the said Commissioners, and when any such penalties are of local application, shall cause such boards to be affixed in some conspicuous place of the immediate neighbourhood to which such penalties are applicable or have reference.

All penalties not otherwise provided may be recovered before Magistrate; form of procedure.

LVI. Every penalty or forfeiture imposed by this Act, or any expense incurred by the said Commissioners in respect of any private drains, sewers, doors, or other things as aforesaid, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before any Justice of the Peace of Calcutta, and on complaint being made to any such Justice, he shall issue his summons requiring the party complained against to appear before him, at a time and place to be named in such summons, and every such summons shall be served on the party offending, either in person or by leaving the same at his usual or last known place of abode, and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall

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be lawful for such Justice to proceed to the hearing of the complaint, which complaint shall be reduced to writing, and upon proof of the offence, or of the expense having been incurred, either by the confession of the party complained against or upon the oath or solemn affirmation of one credible witness or more, it shall be lawful for such Justice to convict the offender or party summoned as aforesaid, and upon such conviction to adjudge the offender to pay the penalty, or forfeiture, or suffer the punishment, or to pay the expense incurred under the provisions of this Act, as well as such costs attending the conviction as such Justice shall think fit, which penalty or forfeiture and costs so adjudged may be levied by distress.

Manner of executing distress.

LVII. Where in this Act any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from such goods and chattels, after satisfying such sum of money and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained, or instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any penalties, forfeitures, or expenses imposed or incurred under the provisions of this Act, the Commissioners, or any one or more of them, if they think fit, may authorize their Secretary or other person to sue the person liable to pay such penalty, forfeiture, or expenses, or any part thereof, in the Calcutta Court of Small Causes; and the costs, if any, incurred in any such suit, which are not recovered in the suit, may be defrayed out of the taxes levied under the provisions of Act X. of 1852.

No distress unlawful for want of form, &c.

LVIII. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want

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of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall any such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action on the case in Her Majesty's said Supreme Court, or in the Calcutta Court of Small Causes.

How penalties are to be applied.

LIX. The Justice of the Peace by whom any such penalty or forfeiture shall be imposed may, when the application thereof is not otherwise provided for, award not more than one-half thereof or any less sum to the informer, if he shall think fit so to do, and shall award the remainder or the whole thereof to the said Commissioners, to be by them applied to the purposes of this Act as to them shall appear fit, and shall order the same to be paid over to the Secretary of the said Commissioners for that purpose, whose receipt shall be a good and sufficient discharge to the person so paying the same.

Parties liable to penalty shall pay damage done to Commissioners also.

LX. If through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the said Commissioners shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty, and if the amount of such damage shall not be paid on demand, the same may be recovered by action of debt, or on the case, in the Calcutta Court of Small Causes, or in Her Majesty's said Supreme Court of Judicature,

Power to Justice to summon witnesses; penalty for not appearing.

LXI. It shall be lawful for any Justice of thePeace to summon any person to appear before him as a witness in any matter in which such Justice shall have jurisdiction under the provisions of this Act, at a time and place to be mentioned in such summons, and require from him, on oath or solemn affirmation,

affirmation, that he will testify the truth in such matter; and if any person so summoned shall without reasonable cause refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, if from distance or any other cause he shall be lawfully entitled to claim such expenses, or if any person appearing shall refuse to be examined on his oath or solemn affirmation according to law, or to give evidence before such Justice, every such person shall for every such offence forfeit and pay a sum not exceeding two hundred rupees, or, at the discretion of such Justice, shall be imprisoned for any term not exceeding one month.

Meaning of words in this Act.

LXII. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,) words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender only shall include females; the word "person" shall include corporations, whether aggregate or sole; the words "oath," "affirmation," and "solemn affirmation," when used alone, shall include oath or affirmation or other declaration lawfully substituted for an oath in such case by any legislative Act of the Governor General of India in Council, or by any Act of the Parliament of Great Britain extended to India; the word "street" shall include any public square, circus, street, court, alley, foot-path, highway, lane, road, thoroughfare, public passage, or other public place within the said Town; the word "lands" shall include messuages, buildings, walls, tenements, and hereditaments of any tenure as well as lands; the words "the said Commissioners" shall mean the Commissioners for the time being appointed or acting under the provisions of Act No. X. of 1852, and the word "month" shall mean Calendar month.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XIII. OF 1852.

Passed by the Governor General of India in Council, on the 27th February 1852.

An Act for consolidating and amending the Regulations of the Calcutta Police.

WHEREAS it is expedient to consolidate and amend divers Rules, Ordinances, and Regulations which from time to time have been passed in Council, and registered in the Supreme Court, for the good order and civil government of the Presidency and Settlement of Fort William in Bengal, It is enacted as follows:

Laws repealed.

I. Section VIII. of Act XXI. of 1839, and the Rules, Ordinances, and Regulations for the good order and civil government of the Settlement of Fort William in Bengal, passed in Council, and registered in the Supreme Court, on the several days hereinafter mentioned, are repealed, but not so as to revive any other Rules, Ordinances, and Regulations thereby repealed.

ACT No. XIII. OF 1852.

List of Repealed Ordinances.

Date of passing in Council.	Date of Registry in the Supreme Court.
26th July 1814.	11th November 1814.
1st March 1816	26th March 1816.
23rd March 1816	13th April 1816.
14th June 1816.	8th July 1816.
19th October 1816.	12th November 1816.
28th March 1817.	21st April 1817.
13th January 1818.	7th February 1818.
9th July 1819.	22nd October 1819.
24th March 1820.	17th April 1820.
21st August 1821.	13th November 1821.
8th March 1827.	27th April 1827.

Justices of the Peace may make order of maintenance for wives and children.

II. If any person within the said Town, having sufficient means or employment, shall not duly maintain his wife or his legitimate or illegitimate children, and shall be thereof convicted before a Justice of the Peace, upon his own confession or the oath of one or more credible witnesses, the said Justice may make an order upon such person for the maintenance of such wife and children, or any of them, at such monthly rate as to the Justice seems reasonable, and upon non-compliance with the said order for any one month, or longer period, any Justice, by warrant under his hand and seal, may commit the person so convicted to the Common Gaol of Calcutta without labour, or to the House of Correction to hard labour, for any time not exceeding two Calendar months.

III. Every

Persons convicted of having or conveying stolen goods liable to penalty.

III. Every person who shall be brought before a Justice of the Peace charged with having in his possession, or in his premises with his knowledge, or with conveying in any manner anything which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an account to the satisfaction of such Justice how he came by the same, shall be deemed guilty of a misdemeanor, and, on conviction thereof before such Justice, shall be liable to a penalty not exceeding one hundred rupees, or, in the discretion of the said Justice, to imprisonment, with or without hard labour, for any time not exceeding three Calendar months.

Persons in whose possession stolen goods are found, to be examined, &c.

IV. When any person shall be brought before a Justice of the Peace charged with having in his possession, or in his premises with his knowledge, or with conveying anything stolen or unlawfully obtained, and shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, such Justice shall cause every such person, and also if necessary every former or pretended purchaser, or other person through whose possession the same shall have passed, to be brought before him and examined, and shall examine witnesses upon oath touching the same; and if it shall appear to such Justice that any person shall have had possession of such thing, and had reasonable cause to believe the same to have been stolen or unlawfully obtained, such person shall be deemed guilty of a misdemeanor, and shall be liable to a penalty not exceeding one hundred rupees, or, in the discretion of the Justice, may be imprisoned, with or without hard labour, for any time not exceeding three Calendar months; every such person shall be deemed to have had possession of such thing at the time and place when and where the same shall have been found or seized, and the possession of a carrier, agent, or servant shall be deemed to be the pos-

session

session of the person who shall have employed such carrier, agent, or servant to keep or convey the same.

On suspicion of goods being stolen or unlawfully obtained, Justice may grant search-warrant.

V. If information shall be given on oath to a Justice of the Peace that there is reasonable cause for suspecting that anything stolen or unlawfully obtained is concealed or lodged in any dwelling-house, building, or other place, such Justice, by special warrant under his hand, directed to any Police Officer or Constable, may cause such dwelling-house, building, or other place to be entered and searched at any time of the day, or by night, if power for that purpose be given by such warrant, and the said Justice, if it shall appear to him necessary, may empower such Police Officer or Constable, with such assistance as may be found necessary, (such Constable having previously made known his authority,) to use force for the effecting of such entry, whether by breaking open doors or otherwise, and if upon search thereupon made any such thing shall be found, then to convey the same before a Justice, or to guard the same on the spot, until the offenders are taken before a Justice, or otherwise dispose thereof in some place of safety, and moreover to take into custody, and carry before the said Justice every person found in such house or place who shall appear to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

Power to search houses for stolen property without a warrant in certain cases.

VI. If information shall be given to any Superintendent, Deputy Superintendent, or Inspector belonging to the Calcutta Police, that there is reasonable cause for suspecting that any stolen property is concealed or lodged in any dwelling-house or other place, and the said Superintendent, Deputy Superintendent, or Inspector shall have good grounds for believing that, by reason of the delay in obtaining a search-warrant, the property is likely to be removed, the said Superintendent, Deputy Superintendent, or Inspector,

Inspector, in virtue of his office, may search for specific articles alleged to have been stolen in the houses and places specified; provided always, that a list of the articles stolen or missing be delivered and taken down in writing, with a declaration stating that the robbery has been committed, and that the informant has good ground to believe that the property is deposited in such house or place; and provided further, that the person who lost the goods, or his representative, accompany the Officer in the search.

Extension of Acts XXI. of 1839 and III. of 1842, to cases in which property stolen does not exceed fifty rupees in value.

VII. All persons charged with the commission of any of the offences specified in Acts **XXI.** of 1839 and **III.** of 1842, may be tried by any Justice of the Peace for the said Town, provided the value of the property which the prisoner is charged with having stolen does not, according to the belief of such Justice, exceed fifty rupees, anything in the said Acts to the contrary notwithstanding; and all the powers by Act **XXI.** of 1839 (except Section **VIII.** aforesaid,) and Act **III.** of 1842, given or reserved to any such Justice for the trial, conviction, and sentence of parties charged with having stolen property not exceeding twenty rupees in value, and all the provisions of the said Acts (except as aforesaid) shall extend and be applicable to the trial, conviction, and sentence of parties charged with having stolen property, not exceeding, according to the belief of the Justice, fifty rupees in value.

Extension of Acts XXI. of 1839 and III. of 1842, to the offence of receiving stolen property when the value of the property does not exceed fifty rupees.

VIII. Every person charged with the offence of feloniously receiving goods or money, knowing the same to be stolen, may be tried by any Justice of the Peace, provided that the value of the property stolen or received does not, according to the belief of the Justice, exceed fifty rupees, and every such person, on conviction of any such offence, shall be liable, at the discretion of the Justice, to be imprisoned, with or

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without hard labour, for any term not exceeding six Calendar months; and all the powers and provisions of Act III. of 1842 and Act XXI. of 1839, except Section VIII. aforesaid, shall apply, so far as they may be applicable, to the trial, conviction, and sentence of any person charged under this Section with the offence of feloniously receiving goods or money knowing the same to be stolen; provided always, that if it shall appear to the said Justice that such person has been previously convicted of, or is in the habit of receiving stolen goods, knowing the same to be stolen, the said Justice shall commit such person for trial before the Supreme Court of Judicature.

Summary conviction of persons accessory to the commission of certain felonies.

IX. Every person who is accessory, before or after the fact, to any felony which is punishable on summary conviction before any Justice, is liable to be tried and convicted summarily before such Justice, on his own confession or the oath of one or more credible witnesses, and the convicting Justice shall have power to sentence any such accessory to imprisonment, with or without hard labour, for any time not exceeding six Calendar months, or in his or their discretion, instead of trying him, to commit him for trial to the Supreme Court of Judicature, or other court having authority to try him.

Punishment for boys.

X. Whenever any boy, under the age of sixteen years, is convicted before a Justice of the Peace, either of simple larceny under the said Act XXI. of 1839, or, under this Act, of feloniously receiving goods or money knowing the same to be stolen, or of being an accessory to any felony which is punishable on summary conviction before any Justice, the said Justice, if he thinks fit, may sentence him to receive corporal punishment not exceeding fifteen stripes of a light ratan, instead of sentencing him to imprisonment.

XI. Any

Cases of assault, forcible entry, or other injury not being felony.

XI. Any person who shall commit any assault, forcible entry, or other injury accompanied with force, not being felony, within the said Town, against the person or property of any person whatsoever, shall be liable, on conviction thereof before a Justice of the Peace, to a fine not exceeding one hundred rupees, and the said Justice may award the whole or any part of such fine to the party or parties aggrieved, by way of satisfaction for such injury, or, in the discretion of such Justice, such person shall be imprisoned, with or without hard labour, for any time not exceeding four Calendar months.

Persons charged with recent assault may be apprehended by Police without warrant, though assault not committed in view of Police.

XII. Any Deputy Superintendent or Inspector of Police may take into custody, or authorize a Constable to take into custody, without warrant, any person who within the said Town shall be charged by any other person with committing an aggravated assault, in every case in which such Deputy Superintendent or Inspector of Police shall have good reason to believe that such assault has been committed, although not within view of such Deputy Superintendent or Inspector, and that by reason of the recent commission of the offence, a warrant could not have been obtained for the appearance of the offender.

Unlawfully taking or enticing away women or female children under the age of sixteen.

XIII. If complaint shall be made before any Justice that any person within the said Town has unlawfully taken or caused to be taken away, against her will, any woman, or has unlawfully taken or caused to be taken or enticed away any female child under the age of sixteen years, out of the possession or protection and against the will of the husband, father, mother, guardian or other person who has the lawful order, keeping, education, or government of such child, for the purpose of living in adultery with such woman or child, or for purposes of prostitution, or of deflowering or disposing of her in marriage, it shall be lawful for the said Justice to make

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an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, father, mother, guardian, or such other person as aforesaid, as the case may be, and to compel compliance with such order; and if it be necessary to use force for that purpose, any Deputy Superintendent or Inspector of Police, duly authorized by the Justice in that behalf, with such assistants as he may deem necessary, may break open doors or otherwise compel compliance with the same, and the said Justice may commit any person charged with taking, or causing to be taken, or enticing any woman or female child as aforesaid, for any of the purposes aforesaid, for trial before the Supreme Court of Judicature.

Keeping open houses of public entertainment without licence.

XIV. Any person who shall have or keep any house, shop, room, or place of public resort and entertainment within the said Town, wherein provisions, liquors, or refreshments of any kind shall be sold or consumed, (whether the same shall be kept or retailed therein or procured elsewhere,) without a licence for the same being first had and obtained from and under the hand of two Justices of the Peace, shall be liable, on conviction thereof before any of the said Justices, to a penalty not exceeding one hundred rupees for every day that such unlicensed house or place of public resort or entertainment is kept open.

Two Justices to grant licences.

XV. Two or more of the said Justices shall from time to time hold licensing Sessions, for the purpose of granting licences to the keepers of such houses or places of public resort and entertainment as aforesaid, and the said licences may be granted by the said Justices for any term not exceeding one year, subject to the restriction contained in Section XII. Act XI. of 1849, and upon such conditions to be inserted in every such licence as the Justices from time to time shall order, for securing the good behaviour of the keepers of the said houses or places of public resort or entertainment, and the prevention

tion of drunkenness and disorder among the persons frequenting or using the same.

Penalty for parties not conforming to the tenor of their licence.

XVI. The keeper of every such house or place of public resort and entertainment, who shall wilfully offend against any condition of his licence, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding one hundred rupees for every such offence, and, in the discretion of the convicting Justice, to forfeit his licence, in addition to any other penalty or punishment that shall be imposed on him.

Disorderly conduct and illegal harbouring of deserters in houses of public entertainment.

XVII. Every person who shall have or keep any house, shop, room, or place of public resort or entertainment within the said Town, wherein provisions, liquors, or refreshments of any kind shall be sold or consumed, (whether the same shall be kept or retailed therein or procured elsewhere,) and who shall knowingly or wilfully permit drunkenness or other disorderly behaviour in such house, shop, room, or place, or who shall knowingly suffer any unlawful games or any gaming whatsoever therein, or who shall knowingly permit prostitutes or persons of notoriously bad character to meet or remain therein, or who shall wilfully harbour or conceal any Seaman or Apprentice who shall have deserted, knowing or having reason to believe such Seaman or Apprentice so harboured or concealed to be a deserter, shall be liable to a penalty not exceeding one hundred rupees, and shall be liable to forfeiture of his licence, in addition to any other penalty or punishment that shall be imposed on him.

Hours for sale of spirituous liquors and intoxicating drugs.

XVIII. Every person who shall keep open his house, shop, room, or place, for the purpose of selling or retailing spirituous or fermented liquors or intoxicating drugs, under a licence from the Collector of Calcutta, after the hour of nine at night and

before the hour of six in the morning, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding twenty-five rupees, and shall also be liable, in the discretion of the said Justice, to the forfeiture of his licence.

Introduction of spirituous liquors without licence into Fort William.

XIX. If any person, not being amenable to the Articles of War, shall take or attempt to take into Fort William any quantity of spirituous liquors, wine, or intoxicating drugs of any description, without a licence from the Commanding Officer of the said Fort, or from some other person thereunto authorized, any Justice of the Peace, upon complaint to him thereof made, may issue his summons or warrant for bringing the party complained of, and also the liquors, wine, or drugs, and the vessels containing the same, before him, and in case of conviction may adjudge the said liquors, wine, or drugs, and the vessels containing the same, to be forfeited, and every such person so convicted shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding fifty rupees, or, at the discretion of the said Justice, to imprisonment, with or without hard labour, for any period not exceeding two Calendar months.

Taking spirits, &c., into the Gaol.

XX. Every person who shall take or throw, or attempt to take or throw, into the Great Gaol or House of Correction of Calcutta, any quantity of spirituous liquors, wine, or intoxicating drugs, without the licence or consent of the Jailor or Keeper of such Gaol or House of Correction, respectively, shall be liable for every such offence, on conviction before a Justice of the Peace, to a penalty not exceeding fifty rupees, or, at the discretion of the said Justice, to imprisonment, with or without hard labour, for any period not exceeding two months.

Breaking Gaol.

XXI. Every person who shall have been committed to the Great Gaol or House of Correction, or who shall be in custody at any Police Office or Station, and who shall unlawfully

fully break or escape from such Gaol, House of Correction, Police Office, or Station, shall be liable for every such offence, on conviction before a Justice of the Peace, to imprisonment, with or without hard labour, for any period not exceeding three months, and such imprisonment shall commence and take effect from and after the expiration of any other sentence of imprisonment under which such person may be imprisoned at the time of committing the offence aforesaid.

Riotous or indecent behaviour.

XXII. Every person who shall be found drunk and incapable of taking care of himself in any street or public thoroughfare, or who shall be guilty of any riotous or indecent behaviour in any street, public thoroughfare, Police Office, Station, or Section House, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding twenty rupees for every such offence, or, at the discretion of the said Justice, to imprisonment, with or without hard labour, for any period not exceeding fourteen days.

Rogues and vagabonds.

XXIII. Any Constable or Peace Officer belonging to the Calcutta Police may take into custody, without a warrant, any person who shall be found between sunset and sunrise armed with any dangerous or offensive instrument whatsoever, with intent to break or enter into any dwelling-house or other building whatsoever, or any loose, idle, or disorderly persons whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed, or being about to commit, any felony, misdemeanor, or breach of the peace, or any reputed thief whom he shall find between sunset and sunrise on board any boat in the river, or lying or loitering in any bazar, street, road, yard, thoroughfare or other place, and not giving a satisfactory account of himself, or any person having in his possession without lawful excuse (the proof of which excuse shall lie on such person), any picklock key, crow, jack, bit, or other implement

ment of house-breaking, or any person found between sunset and sunrise having his face blackened or otherwise disguised, with intent to commit any felony, or any person who shall be found between sunset and sunrise in any dwelling-house or other building whatsoever, with intent to commit any felony therein; and every such offender, on conviction before a Justice, either on his own confession or on the evidence of one or more credible witnesses, shall be liable, at the discretion of the said Justice, to be imprisoned, with or without hard labour, for any term not exceeding four Calendar months.

Beggars.

XXIV. Every person who shall beg or apply for alms or relief in any public road, street, or thoroughfare, or who shall expose or exhibit any sores, wounds, bodily ailment or deformity in such roads, streets, or public thoroughfares, with the object of exciting charity, or of obtaining alms, or relief, or who shall, anywhere within the Town, seek for or obtain alms or relief by means of any false statements or pretences, or who shall cause, aid, or abet any such person as aforesaid in the commission of any of the said offences, shall, for every such offence, on conviction before a Justice, be liable to imprisonment, with or without hard labour, for any period not exceeding two Calendar months.

Furious Driving.

XXV. Every person who shall drive or ride furiously, or at a greater rate than ten miles an hour, any vehicle or animal in the said streets or public thoroughfares, shall, for every such offence, on conviction thereof before a Justice, be liable to a penalty not exceeding fifty rupees, or in default of payment thereof, to imprisonment for any period not exceeding one Calendar month.

XXVI. Every

Lamps to vehicles.

XXVI. Every person who shall drive any vehicle of any description, at any time between one hour after sunset and one hour before sunrise, without having a lighted lamp affixed to such vehicle, shall, for every such offence, on conviction thereof before a Justice, be liable to a penalty of not more than fifty rupees, or, in default of payment thereof, to imprisonment for any period not exceeding one Calendar month.

For suppression of common gaming-houses.

XXVII. If any person shall make oath before a Justice of the Peace that any house, building, room, or other place within the Town, is commonly reported and believed to be kept or used as a common gaming-house or place, such Justice, by an order in writing, may authorize a Deputy Superintendent or Inspector of Police to enter any such house, building, room, or place, with such Constables as he shall deem requisite to accompany him, and if necessary, to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and to take into custody and search all persons found therein, and to seize all tables and instruments of gaming found in such house, building, room, or place, or on the persons of any of those found therein, and also to seize all moneys and securities for money found in any such house, building, room, or place; and the owner or keeper of the said gaming-house, or place, or other person having the care and management thereof, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding one hundred rupees, or, at the discretion of the said Justice, to imprisonment, with or without hard labour, for any time not exceeding three Calendar months, and upon conviction of any such offender all such tables and instruments of unlawful games shall be destroyed or otherwise disposed of by order of the Justice before whom the conviction is had, and all the moneys and securities for moneys so found shall be forfeited to Government, and every person found on such premises, and who shall not be the owner or keeper,

or other person having the care or management thereof, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding fifty rupees.

Proof of playing for stakes unnecessary.

XXVIII. It shall not be necessary, in support of any information for gaming in, or for suffering any games or gaming in, or for keeping or managing, or being concerned in the management or conduct of, any common gaming-house or place, under this Act, to prove that any person found playing at any game was playing for any money, wager, or stake.

What articles if found shall be evidence that the house is a gaming-house.

XXIX. Where any cards, dice, balls, counters, tables, or other instruments of gaming, used in playing any unlawful game, are found in any house, building, room, or place suspected to be used as a common gaming-house or place, and entered by an order issued under this Act, or about the person of any who are found therein, it shall be evidence, until the contrary is made to appear, that such house, building, room, or place, is used as a common gaming-house or place, and that the persons found in the house, building, room, or place, where such tables or instruments of gaming shall have been found, were playing therein, although no play was actually going on in the presence of the Superintendent, Deputy Superintendent, Inspector, or Constable entering the same as aforesaid.

Gambling in the Streets.

XXX. Every person who shall game for money, or any other thing or reward whatsoever, or who shall join in, bet at, or abet, or be present for the purpose of joining, betting at, or abetting any such gaming, in any street or public thoroughfare in the said Town, shall be liable, on conviction thereof before a Justice, to a penalty not exceeding fifty rupees, or, in default of payment, to imprisonment for any term not exceeding one Calendar month.

XXXI. All

XXXI. All persons who deal in any articles by retail by weight or measure, and who have in or about their shops or premises, or otherwise in their possession, any false or deficient weight, measure, beam or scale, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding twenty rupees, or, at the discretion of the said Justice, to imprisonment, with or without hard labour, for any period not exceeding one Calendar month; and every such false and defective weight, measure, beam or scale shall be forfeited, and the said Justice shall cause the same to be destroyed; and it shall be lawful for the Chief Magistrate or Superintendent of Police from time to time to issue public notices at the Police Office and Thannas, and such places as to him appear suitable, of the exact weight and measure of just weights and measures, and to keep at the Police Office and Thannas standard weights and measures for the information of the public.

Using false or defective weights and measures.

XXXII. Any Justice of the Peace or the Superintendent of Police may issue his warrant, directing any Deputy Superintendent or Inspector of Police to enter into any shop or other place where articles are bought and sold by retail, and to search for and to examine the weights and measures therein, and seize all such as he may suspect to be forfeited as false and deficient in weight.

False weights and measures.

XXXIII. If any seaman, whether British or Foreign, shall, willfully and without leave or lawful excuse, absent himself from his vessel, any Justice of the Peace, upon complaint upon oath, and at the instance of any of the officers of the said vessel, may issue his warrant to apprehend and detain the said seaman and convey him on board of his vessel; and whenever any seaman shall have been imprisoned, it shall be lawful for any Justice of the Peace, on the release of such seaman from inprisonment,

Justice of the Peace may take cognizance of cases of desertion or unauthorized absence from their ship of Foreign and Asiatic seamen.

imprisonment, to cause him to be conveyed on board of the vessel to which he may belong.

Arms carried by persons without due authority.

XXXIV. No person, not being a soldier or sailor in the service of the Queen or the East India Company, or a Constable belonging to the Calcutta Police, shall be entitled to carry any sword, spear, gun, or other offensive weapon in any street, thoroughfare, or public place, unless by leave of the Chief Magistrate or other head of the Police; and any person offending against this enactment, shall be liable to be disarmed by any Constable or other person acting under such instructions as shall be from time to time given by the Chief Magistrate or other head of the Police; and the weapons so seized shall be taken before the Chief Magistrate or other head of the Police, and forfeited to the Government, if the Chief Magistrate or other head of the Police, in his discretion, shall think fit to declare them forfeited.

The regulation of carriages and persons at places of public resort.

XXXV. The Chief Magistrate or other head of the Police, from time to time, and as occasion may require, may make regulations for keeping clear the public ghauts and landing-stairs, and for the route to be observed in the public streets and places by all carts, carriages, palanquins, hackeries, and other vehicles, and by all horses, cattle and persons, and as to the times during which they may take the said routes, and for preventing obstruction of the streets and thoroughfares within the Town on all times of public processions and native holidays, as also during the time of Divine Service, and also may give directions to the Constables and other Peace Officers for keeping order and for preventing any obstruction of the thoroughfares in the immediate neighbourhood of any place of public resort, and in any case when the ghauts, landing-stairs, streets, or thoroughfares may be thronged, or may be liable to be obstructed, and every person opposing or not obeying the orders so issued by the Chief Magistrate

trate or other head of the Police, shall be liable to be arrested and detained by the Police, and, on conviction before a Justice of the Peace, shall be liable to a penalty not exceeding one hundred rupees.

Police Officers taking Bribes.

XXXVI. Any Police Officer or Constable who shall ask for or take any bribe or unauthorized reward in consideration of his doing or omitting to do any act in his official capacity, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding five hundred rupees, or, at the discretion of the said Justice, to imprisonment, with or without hard labour, for any time not exceeding three months.

As to manufacture or possession of Gun-powder or Gun-cotton.

XXXVII. The Rule, Ordinance, and Regulation passed by the Governor General in Council on the 8th April 1802, and Section II. Act XVIII. of 1841, are hereby repealed. Any person who shall, within the limits of the said Town, manufacture Gun-powder or Gun-cotton, or who shall, without a licence for that purpose being first had and obtained from the Chief Magistrate, have in his possession, in any house, shop, warehouse, or other building, at any one time, a greater quantity of Gun-powder or Gun-cotton for sale or otherwise than ten pounds, shall, on conviction before a Justice of the Peace, be liable to a forfeiture of all such Gun-powder or Gun-cotton so manufactured or possessed, together with the vessel or receptacle in which it may be seized, and also to a fine not exceeding in amount the sum of rupees five hundred.

Chief Magistrate to grant licences for sale and deposit of Gun-powder, &c.

XXXVIII. It shall be lawful for the Chief Magistrate to grant to any person (whom he shall deem fit and proper) a licence for the sale or keeping in deposit, within the limits of the said Town, any quantity of imported or Indian manufactured Gun-powder not exceeding fifty pounds, or any

quantity of Gun-cotton not exceeding twenty pounds, on such conditions as shall be specified in the licence, and any person who shall be guilty of a breach of any of such conditions, shall, on conviction before a Justice of the Peace, be liable to a forfeiture of his licence and of all Gun-powder or Gun-cotton so kept in deposit contrary thereto, and also to a fine not exceeding rupees two hundred.

Licences to be in force for one year, and to contain certain provisions.

XXXIX. Every such licence as is mentioned in the preceding Section shall be in force for a period of one year only and no longer, but shall be renewable by the said Chief Magistrate at his discretion on the same or any other terms and conditions, and such licence shall also provide for the transit and carrying of Gun-powder from one place to another within the limits of the said Town, in such manner and in such quantity as shall be deemed advisable for the safety of the inhabitants and of property within the said Town, and every person offending against such provisions shall be liable to a fine not exceeding rupees fifty.

As to Search for Gun-powder, &c.

XL. Any Justice of the Peace, on credible information laid before him on oath or solemn affirmation, that Gun-powder or Gun-cotton, or mixed materials for making the same contrary to the provisions of this Act, are suspected to be stored, kept, or possessed by any person, may issue his warrant, authorizing any Police Officer to search in the day-time any house, shop, magazine, or other building or place in which he has reasonable ground to suspect any Gun-powder or Gun-cotton to be manufactured, sold, or kept, or any boat, carriage, cart, or other vehicle in which any Gun-powder or Gun-cotton, or materials for manufacturing the same, may be suspected to be carried, or any person suspected of carrying the same contrary to such licence or to the provisions of this Act, and all Gun-powder, Gun-cotton, or materials for manufacturing the same, found on such search, shall, together with the vessels

vessels or receptacles in which they may be stored, be immediately seized and brought before a Justice of the Peace, with whom the same shall be kept till it shall be adjudged whether the same shall be forfeited.

Act not applicable to Government Powder, &c.

XLI. The four last preceding Sections shall not extend to any Government Magazine or store, or building for the making or deposit of Gun-powder or Gun-cotton under the authority or for the use of the Government, or to any Gun-powder or Gun-cotton for the use of Her Majesty's or the East India Company's Troops, or otherwise for the service of Government, or to any of Her Majesty's Vessels of War, or the Vessels of the Indian Navy, or of the East India Company's Marine, or to any other Vessel within the River Hooghly laden with Gun-powder for importation or exportation.

As to Vessels arriving in River with Powder on Board.

XLII. Commanders of merchant vessels entering the River Hooghly shall, on or before the arrival of their vessels off Moyapore, deposit in the Magazine at that place all Gun-powder intended for the Ship's use from on board their respective vessels, exceeding the quantity of fifty pounds, which quantity they shall be permitted to retain in their vessels for the purpose of firing salutes or signals in case of distress, and the Gun-powder so deposited shall be again delivered on board on the return of the respective vessels from Calcutta in prosecution of the outward voyage; and Commanders of merchant vessels in the River Hooghly having on board their vessels Gun-powder or Gun-cotton for importation (not being Gun-powder belonging to the Government) exceeding the quantity of fifty pounds, shall also deposit the same, on or before the arrival of their vessels off Moyapore, in the Magazine of that place, under charge of an Officer belonging to the Customs at that place, or such other person as the Governor of Bengal may appoint, and the proprietors

or consignees of such Gun-powder or Gun-cotton, or their agents, whenever they shall desire to remove the same from the Magazine, shall make application to the Collector of Sea Customs for authority to do so, which application, when it be intended that such Gun-powder or Gun-cotton shall be lodged in any place, or be laden in any boat or other conveyance within the limits of the said Town, shall be accompanied by a written order of permission, signed by a Justice of the Peace, to that effect, and when it be intended that such Gun-powder or Gun-cotton shall be exported by sea, the Commanders of vessels, or the proprietors or their agents, by whom it shall have been deposited in the Magazine, shall make application to the Collector of Sea Customs for permission so to export it; and the Collector of Sea Customs shall comply with such applications aforesaid, except where the exportation of ammunition shall require, under provisions of Act XVIII. of 1841, a licence from a public Officer other than the Collector of Sea Customs, in which case the Collector of Sea Customs shall not comply with the application unless it be accompanied by the licence of such public Officer; and on or before the removal of all Gun-powder or Gun-cotton from the Magazine, the Collector of Sea Customs shall and he is hereby authorized to levy a fee, the rate of which shall not exceed two annas per pound, for all Gun-powder or Gun-cotton that has been lodged therein, which fee shall be taken to cover all charges for the safe custody of the Gun-powder or Gun-cotton during the period it has remained or shall remain in the Magazine; provided also, that the Governor of Bengal shall be at liberty to authorize such arrangement to be made, by letting or otherwise contracting for the custody of the Magazine, and for the collection and appropriation of the fees which may be charged for Gun-powder or Gun-cotton stored therein, as he may think proper, subject however to all the restrictions and rules imposed by this Section in respect to the removal from the Magazine of Gun-powder therein stored.

XLIII. For

Penalties.

XLIII. For every act done or omitted to be done contrary to the provisions of the last preceding Section by the Commander of any merchant vessel in the port of Calcutta, the Commander aforesaid shall, on conviction thereof before any Justice of the Peace, be liable to a penalty of two hundred rupees: and the Collector of Sea Customs is hereby empowered to search for any quantity of Gun-powder which he may have reason to believe to be on board a merchant vessel in the port of Calcutta, contrary to the provisions of this Act, and to seize and detain it as forfeited to Government, to be dealt with as the Governor of Bengal shall think right to direct.

Jurisdiction of Justices on the River Hooghly.

XLIV. The jurisdiction of the Justices of the Peace acting within and for the said Town shall extend to all offences committed by any person in sea-going vessels in any part of the River Hooghly, and the said Justices shall have the same power and jurisdiction in respect of criminal offences committed in sea-going vessels, in any part of the said river, that they now have and exercise within the said Town.

Persons apprehended without warrant to be taken first to the Station-house, and if not admitted to bail, to the Police Office.

XLV. Every Officer belonging to the Calcutta Police is hereby authorized to arrest without warrant any person committing in his view any offence against this Act, and every person taken into custody without warrant by any Constable belonging to the Calcutta Police, shall be forthwith taken to the Station-house to which the Constable belongs, in order that such person may, be detained, until he can be brought before a Justice of the Peace to be dealt with according to law, or in order that such person may give bail for his appearance before a Justice of the Peace, if the Superintendent, Deputy Superintendent, or Inspector at the Station shall deem it prudent to take bail in the manner hereinafter mentioned, which he is hereby authorized to do.

XLVI. Whenever

Power to take recognizances at Station-houses or Police Lock-up on certain charges.

XLVI. Whenever any person is brought to the Station-house as aforesaid charged with misdemeanor, assault, or with having carelessly done any hurt or damage, or whenever any Superintendent, Deputy Superintendent, or Inspector of Police, or Town Serjeant in charge of a Police Lock-up, shall deem it probable that any person so brought is falsely or maliciously charged with having committed a felony, and any such person as aforesaid shall be, without the warrant of a Magistrate, in the custody of any Constable of the Calcutta Police, it shall be lawful for the Superintendent or any Deputy Superintendent of Police, if he shall deem it prudent, to enlarge such person on his own recognizance, with or without sureties, conditioned as hereinafter mentioned.

Condition of recognizance.

XLVII. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before a Justice of the Peace at his next sitting, and the time and place of appearance, and the sum thereby acknowledged (not exceeding one thousand rupees) shall be specified in the said recognizance, or the condition thereof; and the Officer taking the recognizance shall enter into a book, to be kept for the purpose, the name, residence, and occupation of the party and his surety or sureties (if any) entering into such recognizance, together with the condition thereof, and the sum thereby acknowledged, and shall return every such recognizance to the Justice present at the time and place and when and where the party is bound to appear, and the said recognizance may be in either of the forms, as the case may be, in Schedule (A.) to this Act annexed, or to the like effect.

Amends may be awarded for false or malicious charges.

XLVIII. In every case in which any person shall be given in charge to a Constable, or in which any information or complaint of any offence shall be laid or made before any

any Justice of the Peace, and it shall appear to the Justice by whom the case shall be heard that there was no sufficient ground for making the charge, it shall be lawful for such Justice, at his discretion, to award such amends, not more than the sum of fifty rupees, to be paid by the informer to the party informed or complained against, for his loss of time and expenses in the matter, as to the Justice shall seem meet.

Offences how to be tried.

XLIX. Every Justice of the Peace shall be empowered summarily to hear and determine every complaint of an offence committed against this Act, and to convict any person charged with any such offence on the oath of one or more witnesses, or by his own confession, and to award the penalty or punishment herein provided for such offence.

Justices may proceed by summons, and if party does not appear may issue warrant.

L. Upon any information or complaint to be laid or made before any Justice of the Peace (which complaint need not be made upon oath) of any matter which such Justice is authorized to hear and determine, either under this or any other Act or Regulation, he may summon the party charged, and if such party shall not appear according to the tenor of the summons, the Justice, upon proof of the service of the summons, may proceed, in all cases which are not of a criminal nature, if no sufficient cause shall be shown for the non-appearance of the party, to hear and determine the case in the absence of the party, and in all criminal cases shall issue his warrant for apprehending and bringing such party before him or some other Justice, in order that the said information and complaint may be heard and determined.

How summons may be served.

LI. Every such summons may be served by delivering it or a copy thereof to the party, or to his wife, servant, or some inmate of his dwelling, or by delivering it at or affixing it to the door or wall of his usual place of abode.

Justices may issue warrant without summons.

LII. A Justice of the Peace may, without issuing any summons, forthwith issue his warrant for the apprehension of any person charged with any offence cognizable before him, either under this or any other Act or Regulation, whenever good grounds for so doing shall be stated on oath before him.

May enforce attendance of witnesses.

LIII. Any Justice may summon any witness to appear and give evidence upon the matter of any offence cognizable before him, either under this or any other Act or Regulation, with which any person shall be charged before him, at a time and place appointed for hearing the information or complaint, and, by warrant under his hand and seal, may require any person to be brought before him who shall neglect or refuse to give evidence at the time and place appointed on such summons, proof upon oath being first given of personal service of the summons upon the person against whom such warrant shall be granted, and such Justice may commit any person coming or brought before him who shall refuse to give evidence, to the Common Gaol of Calcutta, for any time not exceeding fourteen days, or until such person shall sooner submit himself to be examined, and in case of such submission the order of such Justice shall be a sufficient warrant for the discharge of such person.

Power to Magistrates to order prisoners to be brought up to the Police Office.

LIV. When any Justice of the Peace is desirous of examining any prisoner confined in the Great Gaol or House of Correction as a witness or defendant, with respect to any charge, case, or proceeding pending before him, it shall be lawful for such Justice to issue an order in the form contained in Schedule (B.) to this Act annexed, or to the like effect, addressed to the Keeper or Governor of the said Gaol or House of Correction, requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Police Office, for examination, and the Keeper or Governor of the said

Gaol

Gaol or House of Correction, on the receipt of such order, shall act in accordance therewith, and shall take care for the safe custody of the prisoner during his absence from prison for the purpose aforesaid.

Recovery of penalties and forfeitures.

LV. All penalties and forfeitures and other sums of money imposed, awarded, or ordered to be paid by any Justice of the Peace under the authority of this Act, and all sums of money which any person is bound to pay under any recognizance taken before a Justice of the Peace or an Officer of Police empowered to take recognizances by this Act, and afterwards forfeited, in case of non-payment thereof, may be levied by distress and sale of the goods and chattels of the offender or person liable to pay the same, by warrant under the hand of any Justice of the Peace, and in case any such penalty or forfeiture or sum of money shall not be forthwith paid, any Justice may order the party to be detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security to the satisfaction of such Justice for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and the Justice may take such security by way of recognizance or otherwise; and if upon the return of such warrant it shall appear that no such sufficient distress could be had whereon to levy the said penalty or forfeiture, or sum of money, and the same shall not be forthwith paid, or in case it shall appear, to the satisfaction of the Justice, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such penalty, forfeiture, or sum of money could be levied if warrant of distress should be issued, the Justice, by warrant under his hand, may commit such party to the Common Gaol of Calcutta, there to remain for any time not exceeding two Calendar months.

Convictions to be quashed on merits only. Form of conviction, &c.

LVI. No conviction, order, or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evi-

dence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

LVII. In the construction of this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the context or subject repugnant to such construction; that is to say,

Words importing the singular number only shall include the plural, and words importing the plural number only shall include the singular.

Words importing the masculine gender only shall include females.

The word "Town" shall include the Town of Calcutta and Settlement of Fort William.

The word "Justice" or "Justices of the Peace" shall mean the Justices of the Peace for the time being acting within and for the said Town of Calcutta and Settlement of Fort William.

The word "Oath" shall mean any oath or solemn affirmation in lieu of an oath.

SCHEDULE A.

FORM 1.

Town of Calcutta. } Be it remembered that on the day of in the year *A. B.*, of and *C. D.*, of and *E. F.*, of personally came before me *G. H.*, *Superintendent of Police*, and acknowledged themselves to owe to our Sovereign Lady the Queen; that is to say, the said *A. B.*, the sum of Rupees *Two Hundred*, and the said *C. D.* and *E. F.* each the sum of Rupees *One Hundred*, separately, and of good and lawful money of British India, to be made and levied of their Goods and Chattels, Lands and Tenements respectively, to the use of our said Lady the Queen, Her heirs and successors, if the said *A. B.* shall make default in the condition hereinunder written. Acknowledged before me, *G. H.*,

Superintendent of Police.

The

The condition of the above written recognizance is such that *if the said A. B. shall appear before J. P., Justice of the Peace, at* 10 *o'clock in the morning of the day of in the year at the Police Office in Calcutta*, then the said recognizance to be void, or else to stand in full force and virtue.

FORM 2.

Town of Calcutta. } Be it remembered that on the day of in the year *A. B.*, of personally came before me *G. H., Superintendent of Police*, and acknowledged himself to owe to our Sovereign Lady the Queen, the sum of Rupees *Two Hundred*, of good and lawful money of British India, to be made and levied of his Goods and Chattels, Lands and Tenements, to the use of our said Lady the Queen, Her heirs and successors, if he, the said *A. B.*, shall fail in the condition hereunder written.

Acknowledged before me,

G. H.,

Superintendent of Police.

The condition of the above written recognizance is such that *if the said A. B. shall appear before J. P., Justice of the Peace, at* 10 *o'clock in the morning of the day of in the year at the Police Office in Calcutta*, then the said recognizance to be void, or else to stand in full force and virtue.

NOTE.—The words and figures in Italics in this Schedule to be filled up as the case may be.

SCHEDULE B.

FORM OF ORDER.

To *A. B., Keeper of the Great Gaol of Calcutta, or Governor of the House of Correction, as the case may be.*

Bring before me in safe custody on the day of in the year *C. D.*, a prisoner now in the *(Great Gaol or House of Correction as the case may be)* in order that the said *C. D.* may be examined by me as a *(witness or defendant)* with respect to *(here state the charge, case or proceeding in respect of which the evidence of the prisoner is required.)*

E. F.,

Justice of the Peace.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XIV. OF 1852.

Passed by the Governor General of India in Council on the 27th February 1852.

An Act for extending the provisions of Acts XXIV. of 1841, *and XVII. of* 1843, *to the Straits Settlement.*

WHEREAS doubts have been entertained whether Acts XXIV. of 1841, and XVII. of 1843, are in force in the Settlement of Prince of Wales' Island, Singapore and Malacca; It is hereby enacted as follows:

I. The provisions of Acts XXIV. of 1841, and XVII. of 1843, shall be applicable and in force in the said Settlement.

II. All provisions contained in Act XXIV. of 1841, and Act XVII. of 1843, relating to Her Majesty's Supreme Courts shall be applicable to the Court of Judicature of the said Settlement, and shall be respectively construed as if, instead of the words Her Majesty's Supreme Courts, or Her Majesty's Supreme Courts of the respective Presidencies, or the Supreme Court of each of the Presidencies, the words," the Court of Judicature of Prince of Wales' Island, Singapore and Malacca," had been therein mentioned.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XV. OF 1852.

Passed by the Governor General of India in Council on the 12th March, 1852.

An Act to amend the Law of Evidence.

WHEREAS it is expedient to amend the law of Evidence in divers particulars, It is hereby enacted as follows:

Repeal of part of Section I., Act VII. of 1844.

I. So much of Section I. of Act VII. of 1844 as provides that the said Act shall "not render competent any party to any suit, action, or proceeding individually named in the record, or any lessor of the plaintiff or tenant of premises sought to be recovered in ejectment, or the landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part," is hereby repealed.

Parties to be admissible witnesses.

II. On the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or other proceeding in any of Her Majesty's Courts of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence with respect to, or concerning any

suit,

suit, action, or other proceeding in any of such Courts, the parties thereto, and the persons in whose behalf any such suit, action, or other proceeding, may be brought or defended, shall, except as hereinafter excepted, be competent and compellable to give evidence, either *vivâ voce*, or by deposition, according to the practice of the Courts, on behalf of either or any of the parties to the said suit, action, or other proceeding.

Parties not compellable to criminate themselves. Husband and wife not compellable to give evidence for or against each other.

III. But nothing herein contained shall render any person, who in any criminal proceeding is charged with the commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give evidence for or against himself or herself, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall in any criminal proceeding render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband.

Act not to apply to proceedings for adultery or to actions for breach of promise of marriage.

IV. Nothing herein contained shall apply to any action, suit, or proceeding in any Court of Common Law, or in any Ecclesiastical Court, instituted in consequence of adultery, or to any action for breach of promise of marriage.

The Wills' Act not repealed.

V. Nothing herein contained shall repeal any provision contained in Act XXV. of 1838.

Courts authorized to compel inspection of documents in actions and other proceedings whenever Equity would grant discovery.

VI. Whenever any action or other legal proceeding shall henceforth be pending in any of Her Majesty's Courts, such Court and each of the Judges thereof may respectively, on application made for such purpose by either of the litigants, compel the opposite party to allow the party making

making the application to inspect all documents in the custody or under the control of such opposite party relating to such action or other legal proceeding, and, if necessary, to take examined copies of the same, or to procure the same to be duly stamped, in all cases in which previous to the passing of this Act, a discovery might have been obtained by filing a bill, or by any other proceeding in a Court of Equity at the instance of the party so making application as aforesaid to the said Court or Judge. Provided always, that every such application shall be made as aforesaid before issue joined in any such action, and twenty-one days before the trial or hearing of any other legal proceeding.

Foreign and Colonial Acts of State, judgments, &c., provable by certified copies, without proof of seal or signature or judicial character of person signing the same.

VII. All Proclamations, Treaties, and other Acts of State of any Foreign State, or of the East India Company, or of any Territory under the Government of the East India Company, or of any British Colony, and all judgments, decrees, orders, and other judicial proceedings of any Court of Justice in any Foreign State, or in any of the Territories under the Government of the East India Company, or in any British Colony, and all affidavits, pleadings, and other legal documents filed or deposited in any such Court, may be proved in any of Her Majesty's Courts of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence as aforesaid, either by examined copies, or by copies authenticated as hereinafter mentioned; that is to say, if the document sought to be proved be a Proclamation, Treaty, or other Act of State, the authenticated copy to be admissible in evidence must purport to be sealed with the Seal of the Foreign State, or of the East India Company, or of the Territory under the Government of the East India Company, or of the British Colony to which the original document belongs; and if the document sought to be proved be a judgment, decree, order, or other judicial proceeding of any Foreign or Colonial Court, or of any Court within the Territories under the

the Government of the East India Company, or an affidavit, pleading, or other legal document filed or deposited in any such Court, the authenticated copy to be admissible in evidence, must purport either to be sealed with the Seal of the Foreign or Colonial Court, or Court within the Territories under the Government of the East India Company to which the original document belongs, or in the event of such Court having no Seal, to be signed by the Judge, or if there be more than one Judge, by any one of the Judges of the said Court, and such Judge shall attach to his signature a statement in writing on the said copy that the Court whereof he is a Judge has no Seal; but if any of the aforesaid authenticated copies shall purport to be sealed or signed as hereinbefore respectively directed, the same shall respectively be admitted in evidence in every case in which the original document could have been received in evidence, without any proof of the Seal, where a Seal is necessary, or of the signature, or of the truth of the statement attached thereto, where such signature and statement are necessary, or of the judicial character of the person appearing to have made such signature and statement.

Registers of British Vessels and Certificates of Registry admissible without proof of signature.

VIII. Every Register of a Vessel kept under Act X. of 1841, or under any of the Acts of Parliament relating to the registry of British Vessels, may be proved in any of Her Majesty's Courts of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence as aforesaid, either by the production of the original, or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the person having the charge of the original, and which person is hereby required to furnish such certified copy to any person applying at a reasonable time for the same, upon payment of the sum of one Rupee; and every such Register, or such copy of a Register, and also every Certificate of Registry granted under the said Act or any of the Acts of Parliament relating to the registry of British Vessels, and purporting

porting to be signed as required by law, shall be received in evidence in any of Her Majesty's Courts of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence as aforesaid, as *primâ facie* proof of all the matters contained or recited in such Register, when the Register, or such copy thereof as aforesaid, is produced, and of all the matters contained or recited in or endorsed on such Certificate of Registry when the said Certificate is produced.

Where necessary to prove conviction or acquittal, not necessary to produce record, but Certificate of Clerk of Court.

IX. Whenever in any proceeding whatever it may be necessary to prove the trial and conviction or acquittal of any person charged with any indictable offence, it shall not be necessary to produce the record of the conviction or acquittal of such person, or a copy thereof, but it shall be sufficient that it be certified or purport to be certified under the hand of the Clerk of the Court or other Officer having the custody of the records of the Court where such conviction or acquittal took place, or by the Deputy of such Clerk or other Officer, that the paper produced is a copy of the record of the indictment, trial, conviction, and judgment or acquittal, as the case may be, omitting the formal parts thereof.

Examined or certified copies of documents admissible.

X. Whenever any book or other document is of such a public nature as to be admissible in evidence on its mere production from the proper custody, and no Statute or Act exists which renders its contents provable by means of a copy, any copy thereof, or extract therefrom, shall be admissible in evidence in any of Her Majesty's Courts of Justice, or before any person now or hereafter having, by law or by consent of parties, authority to hear, receive, and examine evidence as aforesaid, provided it be proved to be an examined copy or extract, or provided it purports to be signed and certified as a true copy or extract by the Officer to whose custody the origi-

nal is entrusted, and which Officer is hereby required to furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of a reasonable sum for the same, not exceeding four annas for every folio of ninety words.

Certifying a false document a misdemeanor.

XI. If any Officer authorized or required by this Act to furnish any certified copies or extracts shall wilfully certify any document as being a true copy or extract, knowing that the same is not a true copy or extract, as the case may be, he shall be guilty of a misdemeanor, and be liable, upon conviction, to imprisonment for any term not exceeding eighteen months.

Court, &c., may administer oath.

XII. All Her Majesty's Courts within the British Territories under the Government of the East India Company, and every Judge and Justice of such Courts, and every Officer, Commissioner, Arbitrator or other person, now or hereafter having, by law or by consent of parties, authority to hear, receive, and examine evidence with respect to or concerning any suit, action, or other proceeding in any of such Courts, is hereby empowered to administer an oath to all such witnesses as are legally called before them respectively.

Persons forging seal, stamp, or signature of certain documents, or wilfully uttering the same, guilty of felony.

XIII. If any person shall forge the seal, stamp, or signature of any document in this Act mentioned or referred to, or shall tender in evidence any such document with a false or counterfeit seal, stamp, or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall, upon conviction, be liable to transportation for seven years, or to imprisonment for any term not exceeding three years, nor less than one year, with hard labour; and whenever any such document shall have been admitted in evidence by virtue of this Act, the Court, or the person who shall have admitted the same, may, at the request of any party

party against whom the same is so admitted in evidence, direct that the same shall be impounded and be kept in the custody of some Officer of the Court or other proper person, for such period, and subject to such conditions, as to the said Court or person shall seem meet; and every person who shall be charged with committing any felony under this Act may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence may be laid and charged to have been committed in the place in which he shall be apprehended or be in custody; and every accessory before or after the fact to any such offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence may be laid and charged to have been committed in any place in which the principal offender may be tried.

XIV. This Act shall come into operation from and after the tenth day of April, One thousand eight hundred and fifty-two,

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by P. Carbery.

ACT No. XVI. OF 1852.

Passed by the Governor General of India in Council on the 12th March, 1852.

An Act for further Improving the Administration of Criminal Justice in Her Majesty's Courts of Justice in the Territories of the East India Company.

WHEREAS offenders frequently escape conviction on their trials, by reason of the technical strictness of criminal proceedings in matters not material to the merits of the case; and whereas such technical strictness may safely be relaxed in many instances, so as to insure the punishment of the guilty, without depriving the accused of any just means of defence; and whereas a failure of justice often takes place on the trial of persons charged with felony and misdemeanor by reason of variances between the statement in the indictment on which the trial is had, and the proof of names, dates, matters, and circumstances therein mentioned, not material to the merits of the case, and by the misstatement whereof the person on trial cannot have been prejudiced in his defence, It is hereby enacted as follows:

I. From

ACT No. XVI. OF 1852.

The Court may amend certain variances not material to the merits of the case, and by which the defendant cannot be prejudiced in his defence, and may either proceed with or postpone the trial to be had before the same or another jury.

I. From and after the coming of this Act into operation, whenever, on the trial of any indictment for any felony or misdemeanor, there shall appear to be any variance between the statement in such indictment and the evidence offered in proof thereof, it shall and may be lawful for the Court before which the trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defence on such merits, to order such indictment to be amended, according to the proof, by some Officer of the Court or other person, both in that part of the indictment where such variance occurs, and in every other part of the indictment which it may become necessary to amend, on such terms as to postponing the trial to be had before the same or another jury, as such Court shall think reasonable; and after any such amendment the trial shall proceed, whenever the same shall be proceeded with, in the same manner in all respects, and with the same consequences, both with respect to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance had occurred: provided that, in all such cases where the trial shall be so postponed as aforesaid, it shall be lawful for such Court to respite the recognizances of the prosecutor and witnesses, and of the defendant, and his surety or sureties, if any, accordingly, in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence respectively, and the defendant shall be bound to attend to be tried, at the time and place to which such trial shall be postponed, without entering into any fresh recognizances for that purpose, in such and the same manner as if they were originally bound by their recognizance to appear and prosecute, or give evidence, at the time and place to which such trial shall have been so postponed: Provided also, that where any such trial shall be to be had before another jury, the Crown and the defendant shall respectively be entitled to the same challenges as they were respectively entitled to before the first jury was sworn.

II. Every

Verdicts and judgments valid after amendments.

II. Every verdict and judgment which shall be given after the making of any amendment under the provisions of this Act, shall be of the same force and effect in all respects as if the indictment had originally been in the same form in which it was after such amendment was made.

Records to be drawn up in amended form, without noticing the amendments.

III. If it shall become necessary at any time, for any purpose whatsoever, to draw up a formal record in any case where any amendment shall have been made under the provisions of this Act, such record shall be drawn up in the form in which the indictment was after such amendment was made, without taking any notice of the fact of such amendment having been made.

The means by which the injury was inflicted need not be specified in indictments for murder and manslaughter.

IV. In any indictment for murder or manslaughter preferred after the coming of this Act into operation, it shall not be necessary to set forth the manner in which, or the means by which, the death of the deceased was caused, but it shall be sufficient, in every indictment for murder, to charge that the defendant did feloniously, wilfully, and of his malice aforethought kill and murder the deceased, and it shall be sufficient in every indictment for manslaughter to charge that the defendant did feloniously kill and slay the deceased.

Forms of indictment in cases of forgery and uttering, stealing, and embezzling, or obtaining by false pretences.

V. In any indictment for forging, uttering, stealing, embezzling, destroying, or concealing, or for obtaining by false pretences, any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile thereof, or otherwise describing the same, or the value thereof.

VI. In

In engraving plates, &c.

VI. In any indictment for engraving or making the whole or any part of any instrument, matter, or thing whatsoever, or for using or having the unlawful possession of any plate, or other material upon which the whole or any part of any instrument, matter, or thing whatsoever shall have been engraved or made, or for having the unlawful possession of any paper upon which the whole or any part of any instrument, matter, or thing whatsoever shall have been made or printed, it shall be sufficient to describe such instrument, matter, or thing by any name or designation by which the same may be usually known, without setting out any copy or fac-simile of the whole or any part of such instrument, matter, or thing.

In other cases.

VII. In all other cases, wherever it shall be necessary to make any averment in any indictment as to any instrument, whether the same consists wholly or in part of writing, print, or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile of the whole or any part thereof.

Intent to defraud particular persons need not be alleged or proved in cases of forgery, uttering, or false pretences.

VIII. From and after the coming of this Act into operation, it shall be sufficient in any indictment for forging, uttering, offering, disposing of, or putting off any instrument whatsoever, or for obtaining or attempting to obtain any property by false pretences, to allege that the defendant did the act with intent to defraud, without alleging the intent of the defendant to be to defraud any particular person; and on the trial of any of the offences in this section mentioned, it shall not be necessary to prove an intent on the part of the defendant to defraud any particular person, but it shall be sufficient to prove that the defendant did the act charged with an intent to defraud.

IX. And

IX. And whereas offenders often escape conviction by reason that such persons ought to have been charged with attempting to commit offences, and not with the actual commission thereof; it is enacted, that if on the trial of any person charged with any felony or misdemeanor, it shall appear to the jury upon the evidence that the defendant did not complete the offence charged, but that he was guilty only of an attempt to commit the same, such person shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is not guilty of the felony or misdemeanor charged, but is guilty of an attempt to commit the same, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for attempting to commit the particular felony or misdemeanor charged in the said indictment; and no person so tried as herein lastly mentioned shall be liable to be afterwards prosecuted for an attempt to commit the felony or misdemeanor for which he was so tried.

A party indicted for felony or misdemeanor may be found guilty of an attempt to commit the same, and shall be liable to the same consequences as if charged with and convicted of the attempt only. No person so tried to be afterwards prosecuted for the same.

X. And whereas it is enacted by the 8th Section of Act XXXI. of 1838 that "on the trial of any person for any of the offences thereinbefore mentioned, or for any felony whatever where the crime charged shall include an assault against the person, it shall be lawful for the jury to acquit of the felony, and to find a verdict of guilty of assault against the person indicted, if the evidence shall warrant such finding": and whereas great difficulties have arisen in the construction of such enactment: for remedy thereof it is enacted that the said enactment shall be and the same is hereby repealed.

Repeal of the 8th Section of Act XXXI. of 1838.

XI. If upon the trial of any person upon any indictment for robbery, it shall appear to the jury upon the evidence that the defendant did not commit the crime of robbery, but that he did commit an assault with intent to rob, the defendant shall not by reason thereof be entitled to be acquitted,

On the trial of an indictment for robbery, the jury may convict of an assault with intent to rob: no person so tried to be afterwards prosecuted for the same.

acquitted, but the jury shall be at liberty to return as their verdict that the defendant is guilty of an assault with intent to rob, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for feloniously assaulting with intent to rob; and no person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which he was so tried.

Person tried for misdemeanor not to be acquitted if the offence turn out to be felony, unless the Court so direct.

XII. If upon the trial of any person for any misdemeanor, it shall appear that the facts given in evidence amount in law to a felony, such person shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for felony on the same facts, unless the Court before which such trial may be had shall think fit, in its discretion, to discharge the jury from giving any verdict upon such trial, and to direct such person to be indicted for felony, in which case such person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanor.

Persons indicted for embezzlement, as a clerk, &c., not to be acquitted if the offence turn out to be larceny, and *vice versâ*.

XIII. If upon the trial any person indicted for embezzlement as a clerk, servant, or person employed for the purpose, or in the capacity of a clerk or servant, it shall be proved that he took the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of embezzlement, but is guilty of simple larceny, or of larceny as a clerk, servant, or person employed for the purpose, or in the capacity of a clerk or servant, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such larceny; and if upon the trial of any person indicted for larceny it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement, he shall not by reason thereof be entitled to be acquitted,

but

but the jury shall be at liberty to return as their verdict that such person is not guilty of larceny, but is guilty of embezzlement, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such embezzlement; and no person so tried for embezzlement or larceny as aforesaid shall be liable to be afterwards prosecuted for larceny or embezzlement upon the same facts.

Upon an indictment for jointly receiving, persons guilty of separately receiving may be convicted.

XIV. If upon the trial of two or more persons indicted for jointly receiving any property, it shall be proved that one or more of such persons separately received any part of such property, it shall be lawful for the jury to convict upon such indictment such of the said persons as shall be proved to have received any part of such property.

Separate accessories and receivers may be included in the same indictment in the absence of the principal felon.

XV. And whereas it frequently happens that the principal in a felony is not in custody or amenable to justice, although several accessories to such felony or receivers at different times of stolen property the subject of such felony may be in custody or amenable to justice: for the prevention of several trials, it is enacted that any number of such accessories or receivers may be charged with substantive felonies in the same indictment, notwithstanding the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice.

Three larcenies from the same person within six months may be included in the same indictment.

XVI. It shall be lawful to insert several counts in the same indictment against the same person for any number of distinct acts of stealing, not exceeding three, which may have been committed by him against the same person within the space of six calendar months from the first to the last of such acts, and to proceed thereon for all or any of them.

XVII. If

XVII. If upon the trial of any indictment for larceny, it shall appear that the property alleged in such indictment to have been stolen at one time was taken at different times, the prosecutor shall not by reason thereof be required to elect upon which taking he will proceed, unless it shall appear that there were more than three takings, or that more than the space of six calendar months elapsed between the first and the last of such takings; and in either of such last-mentioned cases the prosecutor shall be required to elect to proceed for such number of takings, not exceeding three, as appear to have taken place within the period of six calendar months from the first to the last of such takings.

Where a single taking is charged, the prosecutor need not elect, unless where more than three takings, or more than six months between the first and last taking.

XVIII. In every indictment in which it shall be necessary to make any averment as to any money or any note of any bank, it shall be sufficient to describe such money or bank-note simply as money, without specifying any particular coin or bank-note; and such allegation, so far as regards the description of the property, shall be sustained by proof of any amount of coin or of any bank-note, although the particular species of coin of which such amount was composed, or the particular nature of the bank-note, shall not be proved, and in cases of embezzlement and obtaining money or bank-notes by false pretences, by proof that the offender embezzled or obtained any piece of coin or any bank-note, or any portion of the value thereof, although such piece of coin or bank-note may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, or to any other person, and such part shall have been returned accordingly.

Coin and bank-notes may be described simply as money.

XIX. In every indictment for perjury, or for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly taking, making, signing, or subscribing any oath, affirmation,

Simplifying indictments for perjury and other like offences.

affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what Court or before whom the oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing was taken, made, signed, or subscribed, without setting forth the bill, answer, information, indictment, declaration, or any part of any proceeding either in law or in equity, and without setting forth the commission or authority of the Court or person before whom such offence was committed.

As to form of indictments for subornation of perjury and other like offences.

XX. In every indictment for subornation of perjury, or for corrupt bargaining or contracting with any person to commit wilful and corrupt perjury, or for inciting, causing, or procuring any person unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously or corruptly to take, make, sign or subscribe any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient, wherever such perjury or other offence aforesaid shall have been actually committed, to allege the offence of the person who actually committed such perjury or other offence in the manner hereinbefore mentioned, and then to allege that the defendants unlawfully, wilfully, and corruptly did cause and procure the said person the said offence, in manner and form aforesaid, to do and commit; and wherever such perjury or other offence aforesaid shall not have been actually committed, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth or averring any of the matters or things hereinbefore rendered unnecessary to be set forth or averred in the case of wilful and corrupt perjury.

What defects shall not vitiate an indictment.

XXI. No indictment for any offence shall be held insufficient for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears

by the record," or of the words " with force and arms," or of the words " against the peace," nor for the insertion of the words " against the form of the statute," instead of " against the form of the statutes," or *vice versâ*, nor for that any person mentioned in the indictment is designated by a name of office, or other descriptive appellation, instead of his proper name, nor for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venue, nor for want of a proper or formal conclusion, nor for want of or imperfection in the addition of any defendant, nor for want of the statement of the value or price of any matter or thing, or the amount of damage, injury, or spoil, in any case where the value or price, or the amount of damage, injury, or spoil, is not of the essence of the offence.

Formal objections to indictments shall be taken before jury are sworn; Court may amend any formal defect.

XXII. Every objection to any indictment for any formal defect apparent on the face thereof shall be taken, by demurrer or motion to quash such indictment, before the jury shall be sworn, and not afterwards; and every Court before which any such objection shall be taken for any formal defect may, if it be thought necessary, cause the indictment to be forthwith amended in such particular by some Officer of the Court, or other person, and thereupon the trial shall proceed as if no such defect had appeared.

Provision as to traversing indictments.

XXIII. No person prosecuted shall be entitled to traverse or postpone the trial of any indictment found against him at any Session of the Peace, Session of Oyer and Terminer, or Session of Gaol Delivery; provided always that if the Court, upon the application of the person so indicted or otherwise, shall be of opinion

opinion that he ought to be allowed a further time, either to prepare for his defence or otherwise, such Court may adjourn the trial of such person to the next subsequent Session, upon such terms as to bail or otherwise as to such Court shall seem meet, and may respite the recognizances of the prosecutor and witnesses accordingly, in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence at such subsequent Session without entering into any fresh recognizance for that purpose.

Provision as to plea of *autrefois convict* or *autrefois acquit*.

XXIV. In any plea of *autrefois convict* or *autrefois acquit* it shall be sufficient for any defendant to state that he has been lawfully convicted or acquitted (as the case may be) of the said offence charged in the indictment.

Punishment for certain indictable misdemeanors.

XXV. Whenever any person shall be convicted of any one of the offences following, as an indictable misdemeanor; that is to say,—any cheat or fraud punishable at Common Law; any conspiracy to cheat or defraud, or to extort money or goods, or falsely to accuse of any crime, or to obstruct, prevent, pervert, or defeat the course of public justice; any escape or rescue from lawful custody, on a criminal charge; any public and indecent exposure of the person; any indecent assault, or any assault occasioning actual bodily harm; any attempt to have carnal knowledge of a girl under twelve years of age; any public selling, or exposing for public sale or to public view, of any obscene book, print, picture, or other indecent exhibition, it shall be lawful for the Court to sentence the offender to be imprisoned for any term now warranted by law, and also to be kept to hard labour during the whole or any part of such term of imprisonment.

Interpretation of terms.

XXVI. In the construction of this Act the word "indictment" shall be understood to include "information," "inquisition," and "presentment," as well as "indictment," and also

also any "plea," "replication," or other pleading; and the terms "finding of the indictment," shall be understood to include "the taking of an inquisition," "the exhibiting of an information," and "the making a presentment"; and wherever in this Act, in describing or referring to any person or party, matter, or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and shall be applied to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing; and the word "property" shall be understood to include goods, chattels, money, valuable securities, and every other matter or thing, whether real or personal, upon or with respect to which any offence may be committed.

Commencement of Act.

XXVII. This Act shall come into operation from and after the tenth day of April, One thousand eight hundred and fifty-two.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XVII. OF 1852.

Passed by the Governor General of India in Council on the 12th March 1852.

An Act to diminish the expense and delay of proceedings in Her Majesty's Courts within the Territories of the East India Company.

I. IT shall be lawful for persons interested or claiming to be interested in any question cognizable in Her Majesty's Courts within the Territories of the East India Company, on the Equity, Plea, Ecclesiastical or Admiralty sides thereof respectively, and including among such persons all lunatics, married women, and infants in the manner and under the restrictions hereinafter contained, to concur in stating such question in the form of a special case for the opinion of the said Courts, and it shall also be lawful for all Executors, Administrators, Representatives, and Trustees to concur in such case

Persons interested in questions cognizable in Her Majesty's Courts may state special cases for the opinion of such Courts.

II. The Committee of the estate of any lunatic interested or claiming to be interested in any such question as aforesaid may, after having been authorized in that behalf by the Court or any Judge thereof in which such special case is filed, concur in such case in his own name, and in the name and on the behalf of the lunatic.

How lunatic may concur.

III. A husband interested or claiming to be interested in right of his wife in any such question as aforesaid may concur in such case in his own name and in the name of his wife where the wife has no claim to any interest distinct from her husband, and a married woman having or claiming any interest in any such question as aforesaid distinct from her husband may in her own right concur in such case, provided that her husband also concurs therein; but nothing herein contained shall be construed so as to require the husband of a Mahomedan or Hindoo female to concur in such case.

How married women may concur.

IV. The guardian of any infant interested or claiming to be interested in any such question as aforesaid may concur in such case in the name and on the behalf of the infant, unless such guardian has an interest in such question adverse to the interest of the infant therein.

How infant may concur.

V. It shall be lawful for the said Courts, by order to be made in the matter of any lunatic not found such by inquisition, or in the matter of any infant, upon the application of any person on the behalf of such lunatic, or upon the application of such infant, by motion or petition, to appoint any person shown by affidavit to be a fit person, and to have no interest adverse to the interest of the lunatic or infant, to be the special guardian of such lunatic or infant for the purpose of concurring in such case in the name and on behalf of the lunatic or infant, and any such person so appointed may lawfully so concur. Provided always, that it shall be lawful for the said Courts to require notice of such application to be given to such person, if any, as the Court shall think fit.

How special guardian to be appointed for a lunatic not found such by inquisition and for infant.

VI. In any case in which any such order as aforesaid shall have been made by the said Courts, in the matter of any infant without notice to the guardian of the infant, it shall be lawful for the said Courts, if they shall respectively think

Order to appoint special guardian of an infant may be discharged by Courts if made without notice.

think fit so to do, to discharge such order upon the application of such guardian, by motion or petition; and the said Courts, if they shall respectively think fit, may thereupon appoint some other fit person to be the special guardian of such infant for the purpose of such special case, and may also give such directions as may be necessary for substituting in such special case either the name of the guardian so applying, or of the special guardian so appointed, in lieu of the name of the special guardian so displaced. Provided always, that the discharge of any Order appointing a special guardian shall not invalidate any thing which shall in the meantime have been done by such special guardian, unless the Court shall, upon notice to all parties, specially so direct.

How special cases to be entitled.

VII. Every such special case shall be entitled as a cause between some or one of the parties interested or claiming to be interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; and in the title to such cases, lunatics and infants shall be described as such, and their Committees, guardians, or special guardians named; and where in any such case a married woman is named as a plaintiff, and her husband as a defendant thereto, a next friend of such married woman shall be named in the title to such case; but nothing herein contained shall be construed so as to require a next friend of any Hindoo or Mahomedan married woman to be named in such title.

Form of special case.

VIII. Every such special case shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby; and upon the hearing of such case, the Court and the parties shall be at liberty to refer to the whole contents of such documents; and the Court shall be at liberty to draw from the facts and documents stated in any such special case any inference which the Court might have drawn therefrom if proved in a cause.

IX. Every

IX. Every such special case to which an infant or lunatic is a party by his guardian or special guardian, shall also state how such guardian or special guardian was constituted; and where any married woman having or claiming any interest distinct from her husband is a party to such case, it shall be stated therein that she concurs in such case in her own right.

Special case to state how guardian constituted, and the concurrence of married women.

X. Every such special case shall be signed by Counsel for all parties, and shall be filed in the same manner as bills, plaints, or allegations are filed, and the defendants may appear thereto in the same manner as defendants appear to bills, plaints, or allegations, and no defendants shall be required to take an office copy of a special case, but an office copy thereof shall be taken by the plaintiff.

Special case to be signed by Counsel and filed, and appearances to be entered for defendants.

XI. After a special case shall have been filed, and the defendants shall have appeared thereto, all the parties to such special case shall be subject to the jurisdiction of the Court in the same manner as if the plaintiff in the special case had filed a bill, plaint, or allegation against the parties named as defendants thereto, and such defendants had appeared to such bill, plaint, or allegation, and upon the special case being filed and appearances entered thereto as aforesaid, all parties to such special case, shall, for the purposes of such special case, be bound by the statements therein.

Parties to be bound by statements after defendants have appeared to special case.

XII. So soon as all the defendants shall have appeared to the special case, the same may be set down for hearing, and subpœnas to hear judgment or notices of hearing, issued and served according to the practice of the said Courts.

How cases to be set down for hearing.

XIII. It

XIII. It shall be lawful for the said Court upon the hearing of any such special case as aforesaid, to determine the questions raised therein or any of them, and, by decree or judgment, to declare its opinion thereon, and so far as the case shall admit of the same, upon the right involved therein, without proceeding to administer any relief consequent upon such declaration, and every such declaration of the said Court contained in any such decree or judgment shall have the same force and effect as such declaration would have had, and shall be binding to the same extent as such declaration would have been if contained in a decree or judgment made in a suit between the same parties instituted by bill, plaint, or allegation; provided always, that if upon the hearing of such special case as aforesaid, the Court shall be of opinion that the statements contained therein so far as the same affect the interest of any married woman, infant, or lunatic are not true, or that the questions raised thereby or any of them cannot properly be decided upon such case, the same may be at such hearing, with the consent of all parties thereto, and of the Court, amended, so as properly to raise such questions, or the said Court may refuse to decide the same.

Upon hearing Court to determine question and make declaration.

Proviso that Court may refuse to decide.

XIV. Every executor, administrator, representative, trustee, or other person making any payment or doing any act in conformity with the declaration contained in any decree or judgment made or pronounced upon a special case, shall in all respects be as fully and effectually protected and indemnified by such declaration, as if such payment had been made or act done under or in pursuance of the express order of the said Court made in a suit, action, or proceeding between the same parties instituted by bill, plaint, or allegation, save only as to any rights or claims of any person in respect of matters not determined by such declaration.

Protection to be afforded to Trustees by declaration.

XV. Where

XV. Where any person shall be desirous to have a special case re-heard, or to appeal from the decision thereon, it shall be lawful for the said Courts respectively, upon application for that purpose, either at the time of the decree or judgment upon such special case being made, or at any time afterwards, and upon such conditions, if any, as the Court shall think fit, to order that the declaration contained in such decree shall not be acted upon for such time as the said Courts respectively shall think just.

The Court may suspend the acting upon declaration.

XVI. The filing of a special case, and the entering of appearances thereto by the persons named as defendants therein, shall be taken to be a *lis pendens*.

Special case to be a *lis pendens*, and may be filed.

XVII. Any documents referred to in a special case, and any copies thereof or extracts therefrom, identified by the signature of the solicitors for all parties, may be produced and read at the hearing of such case, without further proof; and it shall be lawful for the said Courts respectively, at any time after the filing of the special case, and the entering of appearances thereto by the persons named as defendants therein, to order any document, which may be admitted thereby to be in the possession of any party to such case, to be deposited and produced in such manner and for such purposes as the said Courts respectively shall think fit.

Mode of identifying documents, and Court may order production.

XVIII. It shall be lawful for the said Courts upon the application of the executors, administrators or representatives in estate of any deceased person, by order to be made upon motion or petition of course, and to be in the form or to the effect set forth in the Schedule hereto, with such variations as circumstances may require, to refer it to the Master of the said Courts respectively to take an account of the debts and liabilities affecting

Court, on application of Executors or Administrators, may by order of course direct it to be referred to a Master to take an account of debts and liabilities.

affecting the estate of such deceased person, and to report thereon; provided always, that no such order shall be made until the expiration of one year next after the death of such deceased person, or pending any proceedings to administer the estate of such person, and in case at any time after the making of such order, any decree or order for administering the estate of such deceased person shall be made, it shall be lawful for the said Courts respectively, by such decree or order, to stay or suspend the proceedings under such order of course on such terms and conditions, if any, as to the said Courts respectively shall seem just.

Master's Report may be objected to by motion to the Court, of which notice shall be given.

XIX. It shall be lawful for any person who may have come in before the Master under any such order, and claimed to be a creditor upon the estate of the deceased person, or to have any demand upon such estate by reason of any liability, and whose debt or claim may not have been wholly allowed by the said Master, to apply to the Court making such order by motion, of which notice shall be given within fourteen days after the filing of the Master's report, to have such claim allowed by such Court, either wholly or partially; and it shall be lawful for the said executors, administrators or representatives in estate, and for any creditor of the deceased person who may be authorized by special leave of the said Court so to do, to apply to the said Court by motion, of which notice shall be given within the time aforesaid, to have any debt or claim allowed by the said Master disallowed by the said Court, either wholly or partially, and, at the expiration of fourteen days after the filing of the said report, the same shall, except as to any debt or claim as to which any such notice as aforesaid may have been given, be absolute, as if the same had been confirmed by order of the said Court.

Proceeding of the Court on such motion.

XX. Upon the hearing of any such motion as aforesaid, the said Courts respectively may either dismiss such motion, or may order the debt or claim to which such motion relates

relates to be allowed or disallowed, as the case may be, and either wholly or partially, or may direct further inquiry or further proceedings, by way of action or otherwise, touching such debt or claim, and after such inquiry or proceedings may, upon further motion, deal with such debt or claim as to the said Courts respectively shall seem just: provided always, that no new evidence shall be received by the said Courts upon the hearing of any such motion without special leave of the said Courts.

If debts or certain liabilities allowed, and not paid or provided for, order may be made for payment or accounts.

XXI. In case any debt or any certain liability shall have been allowed as aforesaid, and shall not within fourteen days after the report has become absolute as to such debt or liability, or after the same shall have been allowed by the said Court, be paid or provided for by appropriation to the satisfaction of the person who has established such liability, it shall be lawful for the said Courts respectively by order to be made in case of any debt remaining due, upon the application by motion or petition of the person to whom the debt remains due, and on notice to the executors, administrators, or representatives in estate, and in case of any certain liability remaining unprovided for by appropriation upon the application by motion or petition of the person by whom such liability has been established, or of the executors, administrators, or representatives in estate, and on notice by the party applying to the other of them, to order payment of the debts which may have been allowed and remain unpaid, and to provide for the certain liabilities which may have been allowed and remain unprovided for, in like manner as the same could or might have been paid or provided for in a suit for that purpose instituted by bill, or to refer it to the Master to take an account of the debts and certain liabilities allowed as aforesaid which remain unpaid or unprovided for, and also the usual accounts of the estate of the deceased person, with all usual and proper directions; and every such order shall have the same force and effect and shall be prosecuted and carried on in like manner as a decree in a creditor's suit instituted by bill.

XXII. Nothing

Accounts to be taken according to usual practice of the Courts.

XXII. Nothing in Sections XVIII. and XXI. of this Act contained shall be construed so as to prevent any of Her Majesty's Courts from taking such accounts as aforesaid in any manner in which, according to the usual practice of such Courts, the same might have been taken if directed by decretal order made in a suit.

Court, on application of executors or administrators, &c., may direct appropriation of money to answer contingent liability.

XXIII. In case any contingent liability shall be allowed by the said report or by the said Courts respectively, it shall be lawful for the said Courts, by order, to be made upon the application of the executors, administrators, or representatives in estate, by motion or petition, on notice to the person who may have established such contingent liability, to order such sum of money, part, or proceeds of part, of the estate of the deceased person, as to the said Courts respectively shall seem just, to be set apart and appropriated for answering such contingent liability, and to give such directions as the said Courts shall think fit touching the payment of such sum of money into Courts, and the investment thereof, and the payment, application, or accumulation of the interest or dividends thereof in the mean time and until the same shall be required to answer such liability, and when such liability shall be ascertained or determined, to give such directions as to the payment of such sum out of Court as the said Courts respectively shall deem right: Provided always, that no order to be made as aforesaid shall in any manner bind the assets so appropriated as against the persons entitled to the estate of the deceased subject to the contingent liability; and any person interested in such appropriated assets may apply to the Court touching the same, as he may be advised.

Court may restrain proceedings against executors, administrators, &c.

XXIV. After the filing of such report as aforesaid, it shall be lawful for the said Courts respectively upon the application of the executors, administrators, or representatives in estate of the deceased, by order, to be made on motion, to restrain by in-

junction any proceedings at law against them by any person having or claiming to have any demand upon the estate of the deceased by reason of any debt or liability other than the persons who may have established contingent liabilities under the said order for which no appropriation may have been made.

Protection to be afforded to executors, administrators, &c.

XXV. In case no debt or liability, or no debt or liability other than a contingent liability, shall have been allowed as aforesaid, or in case any debt or liability other than as aforesaid shall have been allowed as aforesaid, then after the same shall have been paid or provided for by appropriation as aforesaid, all payments made by the executors, administrators, or representatives in estate, or any of them, on account of the estate of the deceased person, and all dispositions of such assets made by them or any of them on account of such estate, shall, as against all persons having or claiming to have any demand upon such estate by reason of any debt or liability, other than persons who may have established under the said order any contingent liability for which no such appropriation as aforesaid may have been made, be as good and effectual as if the same had been made under a decree of the said Courts respectively: Provided always, that nothing herein contained shall in any manner affect or prejudice the rights of any creditor or other person having any demand or claim upon the estate of the deceased against any assets so paid or disposed of, or against the persons to whom such payment or disposition may have been made, or against any assets appropriated under the provisions of this Act, and the appropriation of which, if made under a decree of the said Court, in a suit to which he was not a party, would not have been binding upon him.

Exceptions for scandal, impertinence and insufficiency to be heard by the Court.

XXVI. All exceptions for scandal, impertinence, and insufficiency, which according to the existing practice of the said Courts are referred to the Masters of the said Courts, shall not any longer be so referred, but shall be heard and determined in the first instance by the said Courts, or any Judge thereof.

XXVII. Notwithstanding

XXVII. Notwithstanding any rule or practice of the said Courts to the contrary, it shall be lawful for the said Courts respectively, at the hearing of any cause or of any further directions therein, to receive proof by affidavit or otherwise of all proper parties being before the Court, and of all such matters as are necessary to be proved for enabling the said Courts respectively to order payment of any moneys belonging to any married woman, and of all such other matters, not directly in issue in the cause, as in the opinion of the said Courts respectively may safely and properly be so proved.

Power for Court, notwithstanding any rule, &c., to the contrary, to receive proof by affidavit.

XXVIII. It shall be lawful for the said Courts respectively, from time to time, to make, rescind, and alter General Rules and Orders for better enabling the opinion of the said Courts respectively to be obtained on special cases, and for effectuating the purposes of this Act as to the debts and liabilities of deceased persons, and for making any provisions which may be or be deemed necessary or proper as to amendment, revivor and supplemental matter or relief, and as to costs of any proceedings under or in pursuance of this Act, and for regulating the times and form and mode of procedure and practice of the said Courts in respect of the matters to which this Act relates, and every of them, and so far as may be found expedient for altering the course of proceeding hereinbefore prescribed in respect to such matters or any of them, and generally for assimilating the practice of the said Courts respectively to that of the High Court of Chancery in England.

Her Majesty's Courts to make General Rules and Orders from time to time.

XXIX. All such General Rules and Orders shall be laid before the Governor General of India in Council within one month after the making and issuing of the same, and every such Rule or Order shall, from and after the time in that behalf to be appointed by the said Courts respectively, and

Rules and Orders to be laid before the Governor General in Council, and to be binding from the time appointed or from the making, unless objected to.

if

if no time shall be so appointed, then from and after the making thereof, be binding and obligatory on the said Courts respectively, and be of like force and effect as if the provisions therein contained had been expressly enacted by the Governor General of India in Council. Provided always, that if the said Governor General of India in Council shall, by any resolution passed at any time within six months after such Rules, Orders, and Regulations shall have been laid before him, resolve that the whole or any part of such Rules or Orders ought not to continue in force, in such case the whole or such part thereof as shall be so included in such resolution shall, from and after the time that such resolution is notified to the said Court, cease to be binding and obligatory on the said Court; provided that every such Rule or Order so made or expressed to be made in pursuance of this Act which shall not be laid before the Governor General of India in Council within the time by this Act limited for that purpose shall, from and after the expiration of such time, be absolutely void and of no effect. Provided always, that nothing in this clause contained shall be construed so that the said Rules or Orders should not be transmitted as heretofore to Her Majesty in Privy Council for approbation.

Until Rules or Orders are made, and if not applicable when made, practice to be according to this Act and practice of the Courts.

XXX. In the mean time and until any such General Rules or Orders shall be made, and in so far as the same, when made, shall not be applicable, the proceedings under this Act shall be governed and regulated by the provisions herein contained, so far as the same extend, and in so far as the same do not extend shall, as well with respect to the persons who ought to be made parties to special cases as in every other respect, be governed and regulated by the Rules, Orders and Practice of the said Courts respectively, in suits instituted by bill, so far as the same can be applied thereto; and subject to such General Rules and Orders as aforesaid, the costs of all proceedings under this Act, shall be in the discretion of the said Courts respectively.

XXXI. All

Decrees and Orders to be subject to appeal, &c.

XXXI. All decrees and orders made under the provisions of this Act, shall be subject to rehearing, appeal, and review, and may be discharged and varied in the same and the like manner as decrees and orders of the said Courts made in suits instituted by bill.

Interpretation of Terms.

XXXII. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something either in the subject or in the context repugnant to such construction:

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include the singular number:

Words importing the masculine gender only shall include females:

The expression "Her Majesty's Courts" or "Courts" shall mean and include Her Majesty's Supreme Courts of Judicature at Bengal, Madras and Bombay, and also the Court of Judicature of Prince of Wales' Island, Singapore and Malacca:

The word "Lunatic" shall include idiots and persons of unsound mind, and whether found such by inquisition or not:

The word "Guardian" shall mean father or testamentary guardian, or guardian appointed by any of Her Majesty's Courts, (not being a special guardian appointed under the Provisions of this Act.)

Commencement of Act.

XXXIII. This Act shall commence and take effect from and after the tenth day of April, One thousand eight hundred and fifty-two.

ACT No. XVII. OF 1852.

SCHEDULE REFERRED TO BY THE FOREGOING ACT,

(Date.)

In the matter of A. B. late of in Banker (or as the case may be), deceased.

Upon motion this day made into this Court by Mr. of Counsel for C. D. of the executor (*or* administrator) of the abovenamed A. B. (*or* upon the humble petition of C. D. of the executor (*or* administrator) of the said A. B. this day preferred unto the Supreme Court of Judicature at (for the reasons therein contained,) it is ordered ; that it be referred to the Master of this Court to take an account of the debts and liabilities affecting the *(personal or the real estate of the said A. B. or his moveable and immoveable estate as the case may be)*, and to compute interest on such of the said debts and liabilities as carry interest, after the rate of interest the same respectively carry ; and the said Master is to cause an advertisement to be published in the Gazette and such other public papers as he shall think fit for the persons claiming in respect of any such debts or liabilities, to come in before the said Master and prove their debts and claims, and he is to fix a peremptory day for that purpose ; and such of the creditors as shall not come in and prove their debts and claims by the time so to be limited, are to be excluded the benefit of this order ; and it is ordered, that the Master do distinguish debts from liabilities, and liabilities certain from liabilities contingent ; and it is ordered, that the said estate of the said A. B. be applied in payment and satisfaction of such debts and liabilities of the said A. B. in a due course of administration ; and for the better taking the said accounts and discovery of the matters aforesaid the parties are to produce before the Master, upon oath, all deeds, books, papers, and writings in their custody or power relating thereto, and are to be examined upon interrogatories or *vivâ voce* as the said Master shall direct ; and any of the parties are to be at liberty to apply to the Court as there shall be occasion.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XVIII. OF 1852.

Passed by the Governor General of India in Council on the 19th March 1852.

An Act to amend the Law relating to Pleaders in the Lower Provinces of the Presidency of Bengal.

WHEREAS the laws in force relating to pleaders, practising in the Courts of the East India Company, in the Lower Provinces of the Presidency of Bengal, require amendment, It is enacted as follows:

I. Clause 4, Section V. Regulation XXVI. of 1814, and Sections VI., VII., VIII., X., XI., XIII., XIV., XV., Clause 3, Section IX. and Clause 6, Section XX. of Regulation XXVII. of 1814, and Section XVIII. Regulation X. of 1829, of the Bengal Code, and Sections X. and XI. of Act I. of 1846, so far as regards the said Courts and the pleaders therein, are hereby repealed.

II. Any pleader practising in the said Courts shall be liable to dismissal on proof of his conviction by a competent Court of a criminal offence, or on proof of a declaration or finding by a competent Court, in a suit or proceeding to which such pleader was a party, that he has knowingly committed a breach of trust, or for fraudulent or dishonest conduct in the discharge of his professional duty.

III. When

III. When a competent Court has convicted a pleader of a criminal offence, or has declared or found, in a suit or proceeding to which such pleader was a party, that he has knowingly committed a breach of trust, the Court competent to dismiss such pleader may make an order for his dismissal, on the production of an authenticated copy of the judgment or decision containing such conviction, declaration, or finding, and on proof, to the satisfaction of the Court, that such judgment or decision has not been set aside or reversed, and that the pleader is the party to whom such conviction or decision relates.

IV. When any pleader is charged with fraudulent or dishonest conduct in the discharge of his professional duty, by any person or Court, the Court competent to make an order for his dismissal, shall serve, or cause to be served, upon such pleader a copy of the charge or charges brought against him, and also a notice of the day appointed by the said Court for the hearing of such charge or charges, and such copy and notice shall be served upon the said pleader at least twenty clear days before the day appointed for such hearing: and on the hearing of the said charge or charges the Court shall receive all such relevant evidence as shall be properly tendered by, or on behalf of the Court or party bringing the charge or charges, or by the said pleader, and shall proceed to adjudicate on the said charge or charges in a summary way, and shall record its decision, and the reasons on which the same is grounded. Provided always, that the Court which is competent to dismiss a pleader, shall also be competent to bring a charge or charges and proceed against him as aforesaid, and may also hear and adjudicate upon such charge or charges in manner hereinbefore mentioned. Provided also, that the evidence of witnesses on such hearing shall be taken and made upon oath, and every witness who shall give false evidence at such hearing shall be liable on conviction to punishment for perjury, in like manner as witnesses examined in civil or criminal trials.

V. The

V. The power of dismissing pleaders practising in the Sudder Court of the said Provinces is vested in the Judges of that Court; the power of dismissing pleaders practising in the Courts of the Zillah Judges, or in Courts subordinate to them, in the said Provinces, is vested in the Zillah Judges, respectively.

VI. An appeal from the order of any Zillah Judge, for the dismissal of a pleader, may be made to the Sudder Dewanny Adawlut, according to the Rules in force for the admission of appeals.

VII. It shall not be lawful for any of the said Courts of the Lower Provinces of the said Presidency to impose any fine on any pleader practising in the said Courts, except such fine as may be imposed under the provisions of Act XXX. of 1841.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XIX. OF 1852.

Passed by the Governor General of India in Council on the 19th March 1852.

An Act for securing the Abkarry Revenue of Madras.

FOR better securing the Abkarry Revenue of the Town and Suburbs of Madras, It is enacted as follows:

I. Regulation I. of 1813 of the Madras Code, and so much of Clause 159 of an Act of Parliament numbered Chapter LII. of the Statutes passed in the thirty-third year of King George the Third, as relates to the sale of Arrack or other spirituous liquors within the Town of Madras, and to the punishment of unlicensed traders in spirits or spirituous liquors within the said Town, are repealed.

II. The collection of the Revenue arising from the retail sale of spirituous or fermented liquors within the Town and Suburbs of Madras, shall be under the charge of the Collector of Madras, who shall perform the duties connected therewith under the control of the Board of Revenue.

III. The Collector may appoint Conicopolies, Pygusts, Jemadars, Peons and other Officers for collection of the said Revenue and prevention

of smuggling; and the Officers so appointed, besides their ordinary respective designations, shall be styled "Abkarry Officers."

IV. Every person who shall sell by retail any spirituous or fermented liquors within the Town and Suburbs of Madras without a licence for that purpose, under the hand and seal of the Collector of Madras, shall be liable to a fine not exceeding Five Hundred Rupees for each sale, but this enactment shall not apply to wholesale dealers selling such small quantities of Beer, Wine, or Spirits, as may appear to the Collector to be intended only as samples.

V. A sale of European Spirits in a less quantity than two and a half gallons old Wine measure, (*i. e.*, one dozen quart bottles,) and of Arrack or Rum or any other Spirits manufactured to the Eastward of the Cape of Good Hope in a less quantity than one quart, and of English and Foreign Beer or Wine in a less quantity than six quart bottles, and of Toddy in a less quantity than one quart, shall be deemed a retail sale within the meaning of this Act.

VI. The Board of Revenue shall have authority at all times to regulate the form and provisions of licences to be granted under this Act, and to alter and add to the conditions thereof; and each licence shall distinctly specify the kind or kinds of liquor the holder is authorized to sell, the manner in which and source whence such liquor is to be supplied to him, the excise duty not exceeding three rupees and eight annas per gallon, which he shall pay upon it, whether it be provided by the Officers of Government or otherwise, or should a fee upon the licence be substituted for the said excise duty, the amount of such fee. The licence shall further specify the district or place, street or road, and house or shop in which the sale is to be carried on.

VII. The

VII. The sale of Arrack or Rum, or other country Spirits, or of Toddy, in quantities larger than those specified for each article in Section V. of this Act, is prohibited; and every person who shall act in breach of this prohibition, shall be liable to the fine prescribed in Section XV. for the illicit possession of these articles; but this prohibition does not apply to the sale of spirituous or fermented liquors imported into Madras under passes from the Collector, or other Officer duly empowered in that behalf, and supplied by wholesale to licensed retail dealers, or to the sale of Rum under bond for exportation by sea, and covered by a certificate to that effect.

VIII. Every person taking out a licence for the retail sale of spirituous or fermented liquors or intoxicating drugs under this Act, shall execute a counterpart engagement in exact conformity with the tenor of such licence.

IX. The Collector may withhold or recall a licence, if any of the conditions upon which the licence is granted be not complied with, or, with the sanction of the Board of Revenue, for any other cause, giving fifteen days' notice of such withdrawal; and any person selling by retail any spirituous or fermented liquor within the Town and Suburbs of Madras, whilst such licence is withheld, or after it is recalled, shall be subject to all the penalties provided by this Act for the unlicensed sale of spirituous or fermented liquors.

X. No spirituous liquor manufactured Eastward of the Cape of Good Hope, shall be removed from the Sea Custom House to any Warehouse, Shop, or private dwelling, or from one Warehouse, Shop, or private dwelling to another, without the Permit of the Collector of Madras, which Permit must accompany all liquors so removed, but persons having paid the Sea Custom Duty shall be entitled to dispose of such

such liquor by wholesale for exportation beyond the limits of Madras and its Suburbs, such export to be made under permits to be granted by the Collector of Madras at his discretion, and on proof to his satisfaction that the spirits are intended to be exported.

XI. All spirituous liquors manufactured by the European method of distillation shall, when imported into the Town and Suburbs of Madras by land, be placed under the charge of the Collector of Sea Customs, who will have them gauged and tested. The said liquors may be either kept in the custody of the Importer on his furnishing security for their exportation or sale, under the provisions of Section II., Act XXXII. of 1845, or in the joint custody of the Collector of Sea Customs and the Importer, or they may be deposited in the Sea Custom Warehouse on payment of the usual Warehouse rent. When kept in such joint custody, or deposited in such Warehouse as aforesaid, no security for their exportation or sale shall be required, and the amount and nature of the security required to be furnished when such liquors are kept in the custody of the Importer, shall be fixed by the Governor of Fort St. George in Council, who shall also determine the time to be allowed for their exportation.

XII. It shall not be lawful for the Justices to grant a licence to open or establish, or keep open any Lodging House, Boarding House, Eating House, Punch House, Coffee Room, Tavern, Hotel, or any other House of Public Entertainment within their jurisdiction, in which any spirituous or fermented liquor may be sold, to any person who has not taken out a licence for the retail sale of such liquor, and any such licence granted by the Justices shall become void whenever the licence for the retail of such liquor granted to such person, shall be withheld or recalled by the Collector under this Act. Provided always that, on the representation of the Superintendent of Police to the Collector, that any such house of public entertainment as aforesaid is kept as a disorderly house,

or

or that the keeper thereof is, for any reason, or in consequence of misconduct, (such reason or misconduct to be specially assigned by the Superintendent,) unfit to receive or retain any such licence, then and in such case the said Collector shall forthwith revoke any licence already granted by him to such keeper of any such house of public entertainment.

XIII. The Collector, after demand made in writing, may levy any arrears of tax, duty, or fee, due on account of any licence granted under this Act, by distress and sale of the goods and chattels of the person from whom the same is due; provided that no such arrears shall be recoverable after the end of two years next after the same shall have become due, or next after an acknowledgment of the same in writing shall have been given by the person by whom the same is payable.

XIV. A breach of any of the conditions of a licence granted under this Act, shall, besides forfeiture of the licence, be punishable by a fine not exceeding Fifty Rupees, and such fine shall be recoverable from the licensed dealer, notwithstanding that such breach may have been owing to the default or carelessness of the servant or other person in charge of the shop or place of sale.

XV. Any person, not being a licensed dealer, having in his possession, and any person carrying within the Town and Suburbs of Madras any greater quantity of spirituous or fermented liquors, (excepting English and Foreign Beer, Wine, and Spirits,) than the quantity specified for each article in Section V., and not being protected by a Pass or Permit from the Collector, or other Officer duly empowered in that behalf, shall be liable to a fine not exceeding Five Hundred Rupees.

XVI. Beside the penalties above specified for the illicit sale, possession, and carrying of spirituous or fermented liquors, all such liquors

found in the possession of any offender against this Act, shall be seized and confiscated, together with the Vessels, Packages, and Coverings in which such liquors are found, and the animals and conveyances used in carrying them shall also be liable to seizure and confiscation.

XVII. Any Abkarry Officer above the rank of Peon, may enter, inspect, and search, at any time, by day or by night, for any of the purposes contemplated in this Act, the house or shop in which any licensed retail dealer shall carry on the sale of spirituous or fermented liquor under this Act.

XVIII. Every person, holding a licence for the retail sale of spirituous or fermented liquors, shall keep such licence at the house or shop specified in the licence, and shall show the licence on the demand of any Abkarry Officer who shall desire to see the same ; and any licensed dealer, who shall refuse or be unable to produce his licence on the demand of any Ab karry Officer, shall be liable to a fine not exceeding Two Hundred Rupees.

XIX. Any Abkarry Officer may stop and detain any person having possession of or carrying in any Public Road, Street, Thoroughfare or place, or in any open shop, any spirituous or fermented liquors without a Pass, or otherwise liable to confiscation under this Act, and may seize the liquors, with the Vessels, Packages, and Coverings in which the liquors are found, and the animals and conveyances used in carrying them.

XX. If the Collector has good reason to believe, either from information given by any Abkarry Officer, or other person, to be taken down in writing, or from his own knowledge, or from the proceedings in any other case, that any spirituous or fermented liquor liable to confiscation under

under this Act, is kept or concealed in any place, the Collector, by warrant under his hand, may empower any Abkarry Officer, above the rank of Jemadar of Peons, between sunrise and sunset, but always in the presence of a Constable or other Officer of the Peace, to enter into every such place where any such liquor is suspected to be kept or concealed, and to seize and carry away such liquor, and in case of resistance, to break open any door, and to force and remove any other obstacle to such entry, search, seizure or removal, as aforesaid, and to arrest and detain the owner or occupier of the premises, with all parties whom he suspects to be concerned in the unlawful keeping or concealing of such liquor whom he shall find on the premises. Provided that, where there is ground to suspect that such liquor is unlawfully concealed in any apartment of the women, in houses belonging to the classes whose women do not appear in public, the Officer charged with the execution of the Warrant, shall follow, as closely as may be, the rules for the seizure of property so concealed, adopted by the Supreme Court of Judicature at Fort St. George.

XXI. All Constables and other Ministerial Officers of the Peace, are required to aid the Abkarry Officers in the due execution of this Act, upon notice given, or request made by any such Abkarry Officer; and any Officer who, without lawful excuses, shall refuse or neglect to assist as aforesaid, on being required to do so, shall be liable to the penalty prescribed by Section XXIX. of this Act for Abkarry Officers conniving at the escape of a person arrested under this Act.

XXII. Whenever an Abkarry Officer, duly authorized under this Act, shall arrest any person, or shall seize any spirituous or fermented liquors, or shall enter any house or shop for the purpose of searching for such illicit liquors, he shall carry the person arrested, with the illicit liquors seized, with all convenient despatch, to the Collector, and shall,

shall, within twenty-four hours thereafter, make a full report to the Collector of all the particulars. And the Collector, after such further inquiry as he may deem necessary, shall forthwith either release the person arrested, or send him in custody to the Superintendent of Police, or one of his Deputies.

XXIII. Every person who shall maliciously give false information against any person, for being engaged in the unlicensed sale of spirituous or fermented liquors, or for having in his possession or carrying, or in respect of there being in any house or shop, any spirituous or fermented liquors, in contravention of this Act, shall be liable to a fine not exceeding Five Hundred Rupees, or to imprisonment in the Common Gaol, for a period not exceeding six months, or to both.

XXIV. Every person who shall obstruct or molest any Abkarry Officer, or any person acting in aid of such Officer, in the due execution of this Act, shall be liable to a fine not exceeding Five Hundred Rupees, and such person shall be further liable, if any affray or breach of the peace shall happen in consequence of his resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed by Law for cases of affray and breach of the peace, in addition to the penalty above prescribed for resistance of process.

XXV. Any Abkarry Officer, who shall delay carrying to the Collector any person arrested, or any illicit liquors seized under this Act, or who shall neglect to report the particulars of an arrest, seizure, or search within twenty-four hours thereafter, shall be liable to a fine not exceeding Two Hundred Rupees.

XXVI. Any Abkarry Officer, who shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing

or searching for illicit spirituous or fermented liquors, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess not required for the execution of his duty, shall be liable to a fine not exceeding Five Hundred Rupees.

XXVII. The provisions regarding Distilleries and Stills in Sections IV., V., VI., Regulation I. of 1820 of the Madras Code, and Act XXXII. of 1845, shall apply and be in force within the Town and Suburbs of Madras, except that the powers vested in the Criminal Judge by Section IV., Clause 5, and Section VI., Clause 9, Regulation I. of 1820, of the Madras Code, and in the Session Judge and Subordinate Judge of the Zillah, by Sections IV., V., Act XXXII. of 1845, shall be exercised within the limits of the jurisdiction of the Supreme Court by the Superintendent of Police.

XXVIII. It shall be competent to the Governor of Fort Saint George in Council, or to any Officer duly empowered by him in that behalf, to revise, from time to time, the forms of licences to be granted under Section IV., Regulation I. of 1820, of the Madras Code, for the establishment of Distilleries for manufacturing Rum, Arrack, or other Spirits by process of distillation similar to the European process, and to introduce into such forms of licences such provisions and stipulations as may seem to be advisable, anything in Section II., Act XXXII. of 1845, to the contrary notwithstanding.

XXIX. Any Officer employed in the Abkarry Department, who shall unlawfully release or connive at the escape of any person arrested under this Act, or connive at the sale of spirituous or fermented liquors without a licence, or by any licensed dealer contrary to the terms of such licence, or act in a manner inconsistent with his duty, for the purpose of enabling any person to do anything whereby any of the provisions of

this Act may be evaded or broken, or the Abkarry Revenue be defrauded, shall be liable to a fine not exceeding Five Hundred Rupees.

XXX. Any Officer employed in the Abkarry Department, who shall ask or take any gratuity not authorized by any law or order of Government, or of the Board of Revenue, in consideration of doing or of omitting to do any act in his official capacity, and any person who shall offer a bribe to any such Officer, in order to induce such Officer to act in a manner inconsistent with his duty, shall be liable, for every such offence, to a fine not exceeding Five Hundred Rupees.

XXXI. When any goods or chattels shall be seized by an Abkarry Officer, as liable to confiscation under this Act, such seizure shall, upon information exhibited by order of the Collector, be heard and determined in a summary manner, by the Superintendent of Police or one of his Deputies, who shall cause the persons to whom such goods and chattels belong, to be summoned to appear, and upon their appearance or default, shall examine into the cause of the seizure thereof and give judgment; and, if such judgment shall be for confiscation of the goods or chattels seized, shall issue his warrant to the Collector for the sale or disposal thereof, according to such orders as the Collector may receive from the Board of Revenue.

XXXII. Whenever any goods or chattels shall be seized as aforesaid, and within one calendar month no person shall appear before the Collector to claim the same, the Superintendent of Police, or one of his Deputies, shall examine into the cause of the seizure, at a place and time, of which notice shall have been given by the Collector in the *Fort St. George Gazette*, and give judgment for the confiscation of such of the goods and chattels as, upon such examination, shall appear to him liable to forfeiture; and upon confiscation thereof, shall issue his warrant for the

the disposal of them, as if the owner had been summoned to attend before the said Superintendent or one of his Deputies.

XXXIII. All fines leviable under this Act shall be adjudged by the Superintendent of Police, or one of his Deputies, any of whom, upon information exhibited before him by order of the Collector, shall, within three calendar months next after the act by which the fine was incurred and not afterwards, summon the parties accused, and upon their appearance or default, shall examine into the matter, and upon due proof made thereof, by the voluntary confession of the parties, or by the oath, or solemn affirmation, (in cases wherein a solemn affirmation is receivable by law instead of an oath,) of one or more credible witnesses, shall give judgment accordingly; and, in default of payment of any fine to which an offender is adjudged, he shall be liable, by Warrant of the said Superintendent of Police or one of his Deputies, to imprisonment in the Common Gaol, for a period not exceeding six months, or until the fine be sooner paid.

XXXIV. Whenever any person shall be convicted of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the Common Gaol, for a period not exceeding six months, and a like punishment of imprisonment not exceeding six months, shall be incurred in addition to the punishment which may be inflicted for a first offence upon every subsequent conviction after the second.

XXXV. One-half of all fines levied from persons convicted of the illicit possession, carrying, or sale, of spirituous or fermented liquors, and of the proceeds from the sale of liquors, vessels, packages, conveyances, stills, and other things confiscated under this Act, shall, upon adjudication

tion of the case, be awarded in such proportion as the Superintendent of Police or one of his Deputies, adjudicating as aforesaid, may think proper, to the Officer or Officers who apprehended the offender, or seized the illicit liquors or other articles,—and the other half shall be given to the informer; and if no fine be realized, the Board of Revenue may grant such reasonable reward, not exceeding the sum of Two Hundred Rupees, as may appear to them fit. Provided that the Board of Revenue may determine, by General Order, what class of Abkarry Officers shall receive rewards, and what classes shall have no title to share therein.

XXXVI. All fines levied under this Act, the disposal of which is not especially provided for, shall belong to Government; but the Officer adjudicating the case may grant any portion thereof not exceeding one-half, as rewards to informers, or as compensation to parties injured by any proceedings under this Act.

XXXVII. No writ of *Certiorari* shall be issued at the suit of any party out of the Supreme Court of Judicature at Fort St. George, to supersede, stay, remove, or in anywise affect any information or judicial proceeding before the Superintendent of Police or any of his Deputies in pursuance of this Act; and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

XXXVIII. All actions and prosecutions to be instituted against the Collector or any Abkarry Officer, or any person acting in aid of any such Officer, for anything done in pursuance of this Act, shall be tried and determined in the Civil Courts established by the East India Company in the Zillah of Chingleput, notwithstanding that the cause of action, in respect of which such action is brought, arose, or the defendant therein reside, within the limits of the Town of Madras, and every such action shall be brought within three calendar months after the fact committed

mitted and not afterwards, and notice in writing of such action, and of the cause thereof, shall be given to the defendant, one calendar month at least before the commencement of the action, and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if after action brought, a sufficient sum of money shall have been paid into Court with costs, by or on behalf of the defendant.

XXXIX. The Collector, in respect of the duties to be performed by him under this Act, shall have power to punish any contempt committed in his presence in open cutcherry by the imposition of a fine not exceeding Two Hundred Rupees, commutable, if not paid, to imprisonment in the Common Gaol for a period not exceeding one month. Provided that an appeal from any order passed under this Section shall lie to the Board of Revenue, and the decision of the Board thereon shall be final.

XL. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something either in the subject or context repugnant to such construction, that is to say, words importing the singular number only shall include the plural, and words importing the plural number only shall include the singular, and words importing the masculine gender only, shall include females. The words "Collector of Madras," shall mean the Officer who may at any time be charged with the superintendence and collection of the public revenue within the Town of Madras, although such Officer may not be officially designated "Collector of Madras." The words "Town and Suburbs of Madras," shall include the Town of Madras, the limits of the Supreme Court of Judicature at Madras, as declared and described by the 12th Section of Regulation II. of 1802, of the Madras Code, and the district comprized within eight miles beyond any part of those limits.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XX. OF 1852.

Passed by the Governor General of India in Council, on the 27th March 1852.

An Act to facilitate the Acquisition of Land needed for Public Purposes in the Presidency of Fort St. George.

I. WHENEVER it shall appear to the Governor of Fort St. George in Council that any land is needed for a public purpose, he shall make a declaration to that effect in a Minute of Council, and such declaration shall be conclusive evidence that the purpose for which the land is needed is a public purpose.

II. When a declaration has been made by the Governor in Council that any land is needed for a public purpose, if there shall be any hinderance to the immediate acquisition of such land by purchase from the parties interested therein, it shall be competent to the Governor in Council to order the land to be taken possession of on the part of Government, and applied to the purpose for which it is needed, leaving claims for compensation for the land to be determined as hereinafter provided.

III. When such order is passed by the Governor in Council it shall be sent to the Collector of the District in which the land lies, or to such other Officer as the Governor in Council shall think fit to appoint to carry it into execution; and the Collector, or other Officer so appointed, shall cause the land ordered to be taken to be marked out and measured, and possession to be taken thereof on behalf of Government, and the land shall thenceforward be vested absolutely in the Government, free and clear of all other estates, rights, titles, remainders, reversions, limitations, trusts and interests, and also of all mortgages, liens, or incumbrances whatsoever, of and in the land so taken as aforesaid; and any suit which may be instituted to recover the land so taken by Government, in any Court of Judicature, shall be dismissed with costs. Provided always, that nothing herein contained shall affect the liability of the party who may receive the value of any land so taken by Government, without having a good title to the same.

IV. As soon as the land has been marked out, the Collector, or other Officer appointed as aforesaid, shall cause the order in Council to be affixed in some conspicuous place upon the land, and published by proclamation in the neighbouring bazars and villages, with a citation, calling on all parties interested in the land to appear before him in person, or by authorized agents, on a certain day, not less than fifteen days after the date of citation, and to state the nature of their interests in the land required, and the amount and particulars of their claims to compensation for the same.

V. It shall be competent to the said Collector, or other Officer appointed as aforesaid, to admit any such claims that appear to him to be valid, and if he and all the parties interested in the land agree as to the compensation to be allowed to them respectively, to pass an award for the same.

VI. If

VI. If the said Collector or Officer shall judge any of the claims preferred to be inadmissible, and the parties interested in the land or any of them shall nevertheless persist in such claims, or if the said Collector or Officer, admitting the interests claimed, shall object to the compensation demanded for the same as excessive, the points in dispute shall be referred to the determination of arbitrators, to be appointed in the manner hereinafter provided.

VII. Two persons shall be chosen to act as arbitrators on the part of Government, by the Collector or other Officer duly appointed as aforesaid, and the party or parties claiming to be interested in the land taken shall be called upon by the said Collector or Officer to elect, within fifteen days, two persons to act as arbitrators on his or their part. If there be several parties interested as aforesaid, and they cannot agree within the required period in the election of persons to act as arbitrators on their behalf, then and in that case, each of them shall nominate one person, whom he may desire to act on his behalf, and the said Collector or Officer shall choose by lot, out of the persons so nominated by the parties aforesaid, or by any of them, two persons to act as arbitrators on behalf of the parties interested in the land. If only two persons shall be so nominated by the parties interested in the land, they shall be the arbitrators on behalf of such parties, whether the whole of the parties interested as aforesaid may or may not have been concerned in their nomination. If only one person shall be so nominated, then only one of the persons selected to act as arbitrators on the part of Government shall be employed on the duty. If the parties interested in the land shall refuse or neglect, or if by reason of minority, lunacy or absence from the Presidency, they shall be unable to make any nomination within the required period, then the said Collector or Officer shall and may select two impartial persons to arbitrate the matter between Government and the parties interested in the land.

VIII. Before

VIII. Before the arbitrators proceed to arbitrate, they shall be required by the said Collector or Officer to appoint an umpire for the decision of any points whereon they may differ in opinion, when the voices on each side shall be equal. If the arbitrators cannot agree in the selection of an umpire, the said Collector or Officer shall be authorized to choose some person to act as such.

IX. In cases wherein the arbitrators may differ in opinion, if the voices on each side shall be equal, the decision of the umpire on the point of difference shall be conclusive: in all other cases, the opinion of the majority of arbitrators shall determine the award.

X. The arbitrators shall hold their inquiry under the general superintendence of the Collector or other Officer appointed as aforesaid, who shall be competent to exercise towards them such powers and authority, for the purpose of securing their attendance, and the due completion of their award, as the Courts of Judicature may legally exercise towards persons summoned as witnesses before them, for the purpose of compelling such witnesses to attend and give evidence. It shall further be competent to the Officer presiding, in the event of any unnecessary delay on the part of arbitrators in determining any question referred to them, to call upon them to make their award within a specified time, and in default thereof, to refer such question to the umpire for his decision.

XI. The said Collector, or other Officer appointed as aforesaid, shall, on the application of the arbitrators, summon any witnesses whom the arbitrators may call for, and whom the parties may not be able to produce before them without such process. He shall also cause the proper forms of affirmation to be executed by any witnesses whom the arbitrators may desire to examine upon affirmation, or he may empower the

the arbitrators to administer or cause the execution of such affirmation, if the witnesses cannot with convenience attend before him. Any witness who shall refuse or omit to appear when duly summoned by such Collector or Officer, or who shall appear but shall refuse to execute the affirmation to be administered as aforesaid, or who shall refuse to give evidence, shall be liable to the same punishment which would be incurred under the Law by a witness refusing to appear or give evidence before a Court of Justice. Any person giving intentionally and deliberately a false deposition, under a solemn affirmation in any case referred to arbitration as above, and upon a point material to the issue thereof, shall be held to be guilty of perjury, and shall be liable to the penalties prescribed for that offence by Law; and any person causing or procuring another person to commit the offence of perjury, as above described, shall be guilty of subornation of perjury, and punishable according to Law.

XII. It shall also be competent to the Collector, or other Officer appointed as aforesaid, to demand from the parties interested in the land so taken as aforesaid, the production of any accounts, title-deeds, or other documents which may be required by the arbitrators for the purposes of their inquiry, and in the event of such accounts, title-deeds, or documents being withheld, and the fact of their existence being proved by information given upon solemn affirmation, to order the seizure of such accounts, title-deeds, and documents wherever they may have been deposited, in the manner prescribed by Section IX. Regulation IX. of 1822 of the Madras Code, and to exercise for that purpose the powers thereby vested in Collectors.

XIII. The arbitrators shall take into consideration the statements of the parties interested in the said land, and the objections of the Collector or other Officer aforesaid on behalf of Government, and after examining the evidence offered on both sides, and making any further

inquiry that may appear to them necessary, shall pass their award allowing or disallowing the interests claimed, and determining the total amount of compensation to be given for the interests allowed, the mode in which it is to be given, and, if to be given to more than one party, the shares of the total compensation which each party shall be entitled to receive.

XIV. The award of the arbitrators, or of the umpire if he shall be called upon to make an award, shall be binding and conclusive both upon the Government and the parties interested in the land, as respects the gross amount of the compensation to be paid by Government, unless the award shall be set aside by the Civil Court of the zillah upon a charge of corruption against the arbitrators or the umpire, as the case may be, brought by either party, and proved after due investigation, to the satisfaction of such Court; in which case the matter shall be referred for the determination of a second set of arbitrators, to be chosen in the same manner as the first, and their decision, whatever it may be, shall be final. No petition to set aside an award made under this Act shall be received by the Civil Court of the zillah, unless it be presented within thirty days from the date of the award complained of; and the said petition shall be presented on stampt paper of the value used for miscellaneous petitions, and shall be accompanied with a copy of the award objected to. The award of the arbitrators or umpire shall also be binding as respects the shares to be paid to the several parties interested in the land, unless upon a suit instituted within thirty days from the date of the award, in a competent Court, by any of the parties concerned, to alter the apportionment made by such award, an injunction shall be issued to suspend the payment until a decree is passed in the case.

XV. If any question arises as to the previous possession of or title to any land taken by Government under this Act, or if the parties or

any

any of them interested in the land are minors, lunatics, or absent as aforesaid, and are not represented by their guardian, committee, attorney, or other person authorized in that behalf, or if there exist other grounds which, in the judgment of the arbitrators, render it improper to make immediate payment of the compensation awarded by them, or of any part thereof, to any of the parties interested in such land, the said arbitrators shall certify the same to the said Collector or Officer, under whose directions they may act, and in such case, or if for any such reason or any such ground as aforesaid, the said Collector or other Officer shall deem immediate payment improper, then the amount of compensation payable shall be held in deposit by Government, until the parties interested in the said land or some of them shall obtain an order of a competent Court for the payment of the same and interest (if any) to them. All sums held in deposit as aforesaid, exceeding in amount the sum of Five Hundred Rupees, shall be invested in Government Securities.

XVI. On the close of the inquiry, the arbitrators or umpire shall deliver to the Collector, or other Officer appointed as aforesaid, a full and complete report and award upon the questions submitted to their arbitration, under their respective signatures, specifying the amount of compensation to be granted, and, (except where under Section XV. it may appear proper to suspend payment,) the parties to whom it is to be made, and the proportions to be paid to each respectively, with a solemn declaration subscribed thereto, that the award so given is to the best of their judgment true and impartial, and according to the evidence adduced before them, and they shall at the same time deposit with the said Collector or Officer the whole of their proceedings.

XVII. All suits and proceedings instituted against Government to obtain compensation for land taken as aforesaid, other than such petitions to set aside awards as aforesaid, shall be dismissed with costs, but nothing herein

herein contained shall affect the rights of any party to recover the value of any land taken by Government from any person who may have received the same without having any title thereto.

XVIII. In the case of land declared by a Minute of the Governor in Council to be needed for a public purpose being acquired by the Government by bargain with and purchase from the parties apparently interested therein, the Collector, or Officer appointed by Government to receive possession of the same, shall cause proclamation to be made in the manner prescribed in the fourth Section of this Act, of the transfer of the land to Government by the said parties, and requiring all other persons who may claim any right, title, or interest in such land, to prefer their claims within one calendar month after such proclamation made; and any claims that may be preferred shall be dealt with under Section V. or under Section VI. and the following Sections of this Act. Provided always, that if no claim shall be made within one calendar month after such proclamation as aforesaid, the said land shall vest absolutely in the Government, free and clear of all other estates, rights, titles, remainders, reversions, limitations, trusts, interests, mortgages, liens or incumbrances whatsoever, of and in the said land so purchased; and any suit to recover the land so purchased by Government, or to obtain from Government compensation for the loss thereof, which may be preferred in any Court of Judicature, shall be dismissed with costs. But nothing herein contained shall affect the liability of the party who may receive the value of any land purchased by Government without having a good title to the same.

XIX. In cases referred to arbitration, under the provisions of this Act, any necessary expense which may attend the inquiry of the arbitration, whether for the diet of witnesses or otherwise, shall be paid by Government.

XX. The

XX. The provisions of Act XLII. of 1850 shall be applicable and in force within the Madras Presidency; and the said Act shall be construed as if instead of the words and figures "Regulation I. of 1824 of the Bengal Code," or "the said Regulation" therein mentioned, the number and title of this Act had been therein inserted.

XXI. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something either in the subject or context repugnant to such construction, (that is to say,)

Words importing the singular number only shall include the plural, and words importing the plural number only shall include the singular.

Words importing the masculine gender only shall include females.

The word "land" shall extend to tenements and hereditaments of any tenure, and all houses, buildings, walls, or appurtenances thereupon, as well as land.

The expression "party or parties interested in the land" shall be understood to mean all parties interested in the land either for life or for years, or in remainder, reversion, or succession, and all trustees, *cestui que* trusts, mortgagees, incumbrancers, leaseholders, or tenants, not being tenants by the month or at will of such land.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press by F. Carbery.

ACT No. XXI. OF 1852.

Passed by the Governor General of India in Council, on the 16th April 1852.

An Act to authorize the Employment of Uncovenanted Deputy Collectors in the Presidency of Bombay.

WHEREAS the exigencies of the public Service require the employment of Uncovenanted Deputy Collectors in the Revenue Department within the Presidency of Bombay, It is hereby enacted as follows:

I. The Governor of Bombay in Council may appoint, in any Zillah or District within the said Presidency, one or more Uncovenanted Deputy Collectors, with the powers hereinafter mentioned.

II. Every person appointed a Deputy Collector under this Act shall, before entering upon the duties of his office, make and subscribe a solemn declaration to the same effect as the oath prescribed in Appendix A. annexed to Regulation XVI. of 1827 of the Bombay Code,—the words "the East India Company" being inserted in such declaration, instead of the words "the United Company of Merchants of England trading to the East Indies," and the words "United Company" in the said oath contained, and such declaration shall be made and subscribed either

either before Her Majesty's Supreme Court of Judicature for Bombay, the Court of Sudder Dewanny Adawlut of Bombay, any Judge on circuit in the Zillah in which such Deputy Collector may be appointed, the Judge, Collector, or Magistrate of that Zillah, or such other person as may be deputed or authorized by any order of the said Governor in Council to take or receive such declaration.

III. Deputy Collectors appointed under this Act shall discharge such of the duties and exercise such of the powers of the Covenanted Assistants in the Revenue Department, as shall be prescribed from time to time in each case by the Governor of Bombay in Council, and shall be subject to the same control and authority in all respects as such assistants respectively.

IV. Section XI. of Regulation XVI. of 1827, of the Bombay Code, shall be applicable to Deputy Collectors appointed under this Act, who shall hold their offices subject to the provisions of the said section.

V. No Deputy Collector appointed under this Act shall be dismissed from office without the sanction of the Governor of Bombay in Council. Whenever there is reason to believe that a Deputy Collector is disqualified, by neglect, incapacity, corruption, or other misbehaviour, for continuance in office, a report shall be made by his superior in the Revenue Department for the consideration and orders of the Governor of Bombay in Council, who shall be competent to suspend such Deputy Collector, and order a further inquiry into his conduct, or direct his immediate dismissal, as may appear just and proper.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ASIATIC SOCIETY

ACT No. XXII. OF 1852.

Passed by the Governor General of India in Council, on the 30th April 1852.

To avoid doubts as to the validity of certain decisions in summary suits for arrears of rent, and of certain sales of Putnee Talooks and other saleable tenures.

WHEREAS by Regulation VIII. of 1831, of the Bengal Code, the hearing and decision of summary suits or claims relating to arrears or exactions of rents were transferred from the Judges of the Zillah or City Courts to the Collectors of the several Districts; and whereas by Regulation VII. of 1832, of the Bengal Code, the superintendence of the sales of Putnee Talooks and other saleable tenures of the class specified in Clause 1, Section VIII. Regulation VIII. of 1819, of the same Code, was transferred to the Collector or Deputy Collector of Land Revenue, or Head Assistant to the Collector or Deputy Collector, subject to an appeal as therein provided; and whereas by Act VIII. of 1835 the conduct of sales of Talooks or other saleable tenures in execution of summary decrees for rent, in conformity with Regulation VII. of 1799 of the same Code, was transferred to the Collectors of Land Revenue; and whereas doubts have been entertained in some instances as to the District within which such summary suits or claims should have been decided, and such sales made, by reason that the jurisdiction of the several Zillah and City Courts

is

is not conterminous with the jurisdiction of the several Collectors of Land Revenue, It is enacted as follows:

I. No order or decision already made in any such summary suit, and no such sale as aforesaid, already made, which has not been questioned before a Court of competent judicature before the passing of this Act, on the ground of having been decided or made by a Collector of Land Revenue, his deputy or duly authorized assistant, having no jurisdiction therein, shall be liable to be annulled or disputed on that ground.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XXIII. OF 1852.

Passed by the Governor General of India in Council, on the 7th May 1852.

To authorize and empower the Governors in Council of the respective Presidencies of Madras and Bombay to mitigate or discharge fines, amerciaments, &c., imposed by the Supreme Courts, or any other Courts of Justice at Madras and Bombay respectively.

WHEREAS the Supreme Court of Judicature at Madras now hath certain power and authority to mitigate and discharge fines, amerciaments, forfeitures, and sums of money ordered, adjudged, set, imposed, or awarded by the said Supreme Court of Judicature at Madras upon, or against, any person or persons whomsoever for or by reason of any offences, misdemeanors, defaults, contempts, neglects, or forfeitures whatsoever; And whereas the Supreme Court of Judicature at Bombay hath certain power and authority to mitigate and discharge fines, amerciaments, forfeitures, and sums of money ordered, charged, adjudged, set, imposed, or awarded by the said Supreme Court of Judicature at Bombay upon, or against, any person or persons whomsoever for or by reason of any offences, misdemeanors, defaults, contempts, neglects, or forfeitures whatsoever; And whereas it is expedient that such respective powers and

and authorities should be exercised by the respective Governors in Council of the Presidencies of Madras and Bombay respectively, It is hereby enacted as follows :

I. The powers and authorities respectively exercised by the said Supreme Courts at Madras and Bombay, or by any other Courts of Justice at Madras and Bombay respectively, to mitigate and discharge fines, amerciaments, forfeitures and sums of money ordered, charged, adjudged, set, imposed or awarded by such Supreme Courts, or by any other Court of Justice at Madras and Bombay aforesaid upon, or against, any person or persons whomsoever, for or by reason of any offences, misdemeanors, defaults, contempts, neglects, or forfeitures whatsoever, shall henceforth respectively cease and determine.

II. It shall be lawful for the Governor in Council of the Presidency of Fort St. George at Madras to mitigate or discharge all fines, amerciaments, forfeitures, and sums of money which may have been or may hereafter be ordered, adjudged, set, imposed, or awarded by the said Supreme Court of Judicature at Fort St. George at Madras aforesaid, or by any other Court of Justice, or other person or persons there, having lawful authority to order, charge, adjudge, set, impose, or award fines, amerciaments, ransoms, forfeitures, penalties, or sums of money, for or by reason of any offences, misdemeanors, defaults, contempts, neglects or forfeitures whatsoever, as the Court of Exchequer in England, or the Chancellor or Barons thereof, may or can lawfully do in England. And the said Governor in Council may, by any order, cause a share or proportion of any fine imposed on any person or persons, for any delinquency or misdemeanor prosecuted to judgment, to be paid over to the prosecutor towards defraying his expenses occasioned thereby, as such Governor in Council shall think fit and expedient.

III. It

III. It shall be lawful for the Governor in Council of the Presidency of Bombay to mitigate or discharge all fines, amerciaments, forfeitures, and sums of money, which may have been or may hereafter be ordered, adjudged, set, imposed, or awarded by the said Supreme Court of Judicature at Bombay, or by any other Court of Justice, or other person or persons there, having lawful authority to order, charge, adjudge, set, impose, or award fines, amerciaments, ransoms, forfeitures, penalties or sums of money for or by reason of any offences, misdemeanors, defaults, contempts, neglects, or forfeitures whatsoever, as the Court of Exchequer in England or the Chancellor or Barons thereof, may or can lawfully do in England: And the said last-mentioned Governor in Council may, by any order, cause a share or proportion of any fine imposed on any person or persons for any delinquency or misdemeanor prosecuted to judgment, to be paid over to the prosecutor towards defraying his expenses occasioned thereby, as such Governor in Council shall think fit and expedient.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XXIV. OF 1852.

Passed by the Governor General of India in Council, on the 14th May, 1852.

For amending and explaining Act XIV., 1839, and for the better prevention of Crimping.

FOR the amending and better understanding of Act XIV., 1839, and for the better prevention of the offence of crimping as hereinafter defined, It is declared and enacted as follows:

I. Any person who by force or fraud, unlawfully detains in any place or decoys to any place any Native of India, with intent to force or prevail upon him to enter into any service, or contract for service to be performed out of the Territories under the Government of the East India Company into which he was not minded to enter, without such force or fraud, or who, by means of false imprisonment, intoxication, intimidation, force or fraud, causes any Native of India to enter into any such service or contract for service, or who attempts, by force or fraud or by any false promise, pretence or representation, to cause any Native of India to depart either by land or water from the Territories under the Government of the East India Company, is a crimp, and guilty of crimping, within the meaning of this Act.

II. The departure of any person out of the Territories under the Government of the East India Company, by land or water, is Emigration from the said Territories within the meaning of Act XIV., 1839, and of this Act.

III. After

III. After the passing of this Act no person shall be liable to the penalties of Act XIV. 1839, for making, in good faith, any contract with any Native of India, for labor to be performed in any Foreign Settlement on the mainland of India, or for knowingly abetting or aiding any Native of India in emigrating from the said Territories to any such Foreign Settlement. Provided that if any person shall make any contract with any Native of India for service or labor to be performed by such Native out of the Territories under the Government of the East India Company, or cause any Native of India to depart from the Territories under the Government of the East India Company, or knowingly aid or abet such Native of India in emigrating from the said Territories to any such Foreign Settlement with intent that such Native shall afterwards depart from India, such person shall be deemed to be a crimp and guilty of crimping within the meaning of this Act, and proof of the subsequent departure of such Native from India, from any place out of the Territories under the Government of the East India Company within the period of six months from the time of the departure of such Native from the said Territories under the Government of the East India Company, shall be *primâ facie* evidence of such intent.

IV. Every crimp within the meaning of this Act is liable to be imprisoned for a term not exceeding six calendar months, and to pay a fine not exceeding five hundred rupees.

V. Every person who shall, by means of intoxication, false imprisonment, or intimidation, or by means of any false promise, pretence or representation, force or decoy any Native of India out of the Territories under the Government of the East India Company, or fraudulently cause any such Native to depart from the said Territories shall be liable to be imprisoned for a term not exceeding three years.

VI. In every case in which under this Act imprisonment may be awarded for any offence it shall be lawful for the Court, who may award such

such imprisonment, to sentence the offender to be kept to hard labor during the whole or such period or periods of such imprisonment as to such Court shall seem meet.

VII. In every case in which an offender shall be liable to be imprisoned under Section II., Act XIV., 1839, such offender shall be liable to be imprisoned, or imprisoned and kept to hard labor for a term not exceeding three months for every Native contracted with, provided that such imprisonment shall not in any case exceed six months for any one offence.

VIII. In every case in which any person shall commit an offence under Section II., Act XIV., 1839, as explained and amended by this Act, after having been previously convicted, either before or after the passing of this Act, of an offence under that Section, such person shall be liable, upon conviction before a criminal Court of competent jurisdiction, to be imprisoned, or imprisoned and kept to hard labor for any period not exceeding one year, and in every indictment, information or other proceeding for such an offence committed after such previous conviction, it shall be sufficient, after describing the offence, to state that the offender was at a certain time and place convicted of an offence under Section II., Act XIV., 1839, without otherwise describing such previous offence or conviction, and a certificate of the previous conviction, purporting to be signed by the Officer having the custody of such previous conviction, or by the deputy or legally authorized Assistant of such Officer, shall, with proof of the identity of the person of the offender, be sufficient *primâ facie* evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed such certificate.

IX. The term "Magistrate" in Act XIV., 1839 shall extend to Joint Magistrates and persons lawfully exercising the powers of a Magistrate.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XXV. OF 1852.

Passed by the Governor General of India in Council, on the 14th May, 1852.

An Act for the execution of decrees made in appeal by Her Majesty in Council, or by the Courts of Sudder Dewanny Adawlut and of the Zillah and City Judges in the Presidency of Fort William in Bengal.

WHEREAS it is expedient to amend the law relating to the execution of decrees made and passed in appeal by Her Majesty in Council, and by the Courts of Sudder Dewanny Adawlut, and of the Zillah and City Judges in the Presidency of Fort William in Bengal, It is hereby enacted as follows:

I. Every decree or order in appeal of Her Majesty in Council, or of any Court of Sudder Dewanny Adawlut, or of any Zillah or City Judge which shall be made after the passing of this Act, and also every such decree or order in appeal which has been made before the passing of this Act, and for the execution or enforcement whereof no petition has been presented, shall be enforced and executed by the Court which made the first decree or order appealed from, in the manner and according to the rules and laws applicable to the execution and enforcement of original decrees or orders made by such last-mentioned Court.

II. Any party desirous of enforcing or obtaining execution of any such decree or order made in appeal as aforesaid, shall present a petition for that purpose to the Court which made the first decree or order appealed from, and the said petition shall be accompanied by a certified copy of the decree or order made in appeal, and sought to be enforced or executed.

III. An appeal shall lie from any decree or order made by such last-mentioned Court relating to the enforcement or execution of any such decree or order made in appeal as aforesaid in the same manner and subject to the same laws, rules and regulations as an appeal from an order or decree made upon a petition for the enforcement or execution of the decree or order first appealed from, would have been.

IV. Nothing herein contained shall be construed so as to prevent any Court of Sudder Dewanny Adawlut from enforcing or obtaining execution of a decree or order made or passed by Her Majesty in Council, if Her Majesty in Council shall think fit to decree or order the said Court of Sudder Dewanny Adawlut to enforce or execute the same.

V. The provisions of Section VIII., Act XXV., 1837 of the Bengal Code shall extend to proceedings under this Act.

VI. This Act shall apply only to the Presidency of Fort William in Bengal.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XXVI. OF 1852.

Passed by the Governor General of India in Council, on the 14th May, 1852.

An Act to amend the mode of procedure in the Courts of the Sudder Ameens and Moonsiffs in the Presidency of Fort William in Bengal, and to extend the powers of Principal Sudder Ameens in appeals referred to them.

WHEREAS it is desirable that the mode of procedure in original suits in the Courts of the Sudder Ameens and Moonsiffs in the Presidency of Fort William in Bengal, should be assimilated to the mode of procedure in such suits in the Courts of the Judges and Principal Sudder Ameens, and whereas it is desirable to extend to Principal Sudder Ameens power to issue an injunction for the revision of an original decision according to Clause 2, Section II., Regulation IX., 1831, in regard to appeals referred to them, It is hereby enacted as follows:

1. Sections XIX., XXI., XXII., XXIV., XXVII., XXIX., XXXV. and XXXVII., Regulation XXIII., 1814, and Clauses 1, 2, 3 and 5, Section XXV. of the same Regulation, and Section LXXIII. of the same Regulation, so far as it extends Clauses 1, 2, 3 and 5, Section XXV. and Section XXXV. of the same Regulation to Sudder Ameens, Clause 5, Section V., and Clause 3, Section XV., Regulation V., 1831, and so much of Clause 3, Section VIII. of the said Regulation V., 1831,

as

as relates to the Clauses and Sections of Regulation XXIII., 1814, hereinbefore mentioned, and Section VI. of the said Regulation V. 1831, except in so far as it rescinds Sections LVII., LVIII., and LIX. of the said Regulation XXIII., 1814, are hereby repealed.

II. All laws and rules now in force relating to the mode of procedure in the trial and decision of original Civil Suits in the Courts of the Judges and Principal Sudder Ameens, shall also apply to and regulate the mode of procedure in the trial and decision of original Civil Suits in the Courts of the Sudder Ameens and Moonsiffs.

III. Sections XIII. and XXI., Regulation III., 1793, Sections VII. and XI., Regulation VII., 1795, Sections XVII. and XIX., Regulation II., 1803, Sections VIII. and IX., Regulation VII., 1832, as extended by Act XXI., 1850, shall be applicable to suits and cases in the Courts of the Moonsiffs. Clause 2, Section IV., Regulation XXVI., 1814, relating to reviews of judgment shall also be applicable to the Courts of Sudder Ameens and Moonsiffs. Provided always, that if a Sudder Ameen or Moonsiff shall be of opinion that a review of his judgment ought to be granted, he shall report the case to the Judge, who is hereby authorized to permit such review under the same rules as are prescribed by the existing Regulations with respect to similar applications to the Court of Sudder Dewanny Adawlut.

IV. Every Sudder Ameen and Moonsiff shall have power and authority to try suits in which any Vakeel or Officer of his Court is a party, anything in Section VIII., Act VI., 1843, and in Clause 2, Section XV., Regulation V., 1831, to the contrary notwithstanding; and suits under Clause 1., Section XXX., Regulation II., 1819, may be referred to them by the Zillah Judge for trial and decision under the restrictions as to local jurisdiction and value of property mentioned in Clauses 1, 2 and 3, Section V., and Clause 2, Section XV., Regulation V., 1831.

V. Nothing

V. Nothing in this Act contained shall be construed so as to repeal or otherwise affect the rules regarding the dispensing with the use of stamp paper on certain documents in the Courts of the Moonsiffs contained in Clause 2, Section IX., Regulation V., 1831, or the rules for procuring the attendance of witnesses in the Courts of the Moonsiffs contained in Section II., Act XVII., 1845.

VI. Applicants for execution of decrees may file with their petitions an authenticated copy of the decree of which execution is sought to be taken out, and in such case it shall not be necessary to compare the petition with the decree contained in the original record of the suit, anything in Clause 7, Section XV., Regulation XXVI., 1814 to the contrary notwithstanding.

VII. Original suits referred to a Sudder Ameen under Clause 2, Section XV., Regulation V., 1831, shall be tried and determined in conformity with the Provisions of Regulation XXIII., 1814, and of this Act, anything in Clause 3, Section XV., Regulation V., 1831, to the contrary notwithstanding.

VIII. Nothing in this Act contained shall be construed to affect the mode of procedure in any case pending in the Courts of the Sudder Ameens and Moonsiffs at the time of the passing of this Act, but the mode of procedure in all such cases shall be governed by the law in force previous to the passing of this Act.

IX. The powers given to Zillah and City Judges, by Act VII., 1838, to issue an injunction for the revision of an original decision which has been found erroneous or insufficient according to Clause 2, Section II., Regulation IX., 1831, are extended to Principal Sudder Ameens in regard to all appeals referred to them.

X. This Act shall be deemed to extend only to the Bengal Presidency, and to refer only to the Regulations of the Bengal Code.

Calcutta, 1852.—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XXVII. OF 1852.

Passed by the Governor General of India in Council, on the 2nd July, 1852.

An Act to confer certain powers on Patels and other Heads of Villages in the Bombay Presidency.

WHEREAS it is expedient to confer certain powers on Patèls and other heads of Villages in the Bombay Presidency, It is hereby enacted as follows:

I. From and after the passing of this Act, it shall be lawful for the Governor in Council of Bombay, by an order in writing, to authorize any Magistrate of a Zillah to issue a Commission to any person exercising the office of Patel, or charged with the administration of criminal justice within the limits of any Town, Village or Peth, in the said Presidency, empowering him to try any person charged with any of the offences hereinafter mentioned, and the said Magistrate shall forthwith issue the said Commission in accordance with such order.

II. It shall be lawful for every such Patel or other Officer, who shall have received from the Magistrate such Commission as aforesaid, to try any person charged with the offence of theft, assault, or abuse, when the

the value of the property stolen, or the amount of damages alleged to have been sustained, does not exceed rupees five, and also to try any person charged with the offence of resisting or refusing to obey any order of such Patel or other Officer as aforesaid. Provided always, that every charge of any such offence shall be preferred to such Patel or other Officer as aforesaid within eight days after the commission of such offence.

III. It shall be lawful for every such Patel or other Officer, who shall have received from the Magistrate such Commission as aforesaid, to order any person, convicted by him of any such offence as aforesaid, to pay a fine not exceeding five rupees, or to be placed in the stocks for any period not exceeding six hours, or to be detained in the chowkey of the Town, Village, or Peth, for any period not exceeding forty-eight hours.

IV. Such conviction shall be a bar to any other proceedings for the same offence.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XXVIII. OF 1852.

Passed by the Governor General of India in Council, on the 2nd July, 1852.

An Act to relieve the Court of Sudder Foujdaree Adawlut at Bombay from the superintendence of the Police in that Presidency.

WHEREAS it is expedient to relieve the Court of Sudder Foujdaree Adawlut at Bombay from the superintendence of the Police in that Presidency, It is hereby enacted as follows:

I. So much of Clause 1, Section XXVII. of Regulation XIII. of 1827, of the Bombay Code, as enacts that the Court of Sudder Foujdaree Adawlut shall superintend the administration of Police, and so much of Clause 4, Section XXVII. of the same Regulation as enacts that the Court of Sudder Foujdaree Adawlut shall furnish information to Government of the state of the Police in each Zillah, are hereby repealed.

II. From and after the passing of this Act, the superintendence of the Police in the said Presidency shall be vested in, and exercised by, the Goveraor in Council of Bombay, and for the better superintendence thereof, it shall be lawful for the said Governor in Council to appoint such persons as he shall think fit to control and superintend the said Police, subject to the Orders of the said Governor in Council, and to vest in such persons such power and authority for the purposes aforesaid, as to the said Governor in Council may seem proper.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

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ACT No. XXIX. OF 1852

Passed by the Governor General of India in Council, on the 2nd July, 1852.

An Act to amend the Law respecting the Circuits of Judicial Commissioners in the Presidency of Bombay.

WHEREAS it is expedient to amend the law respecting the Circuits of Judicial Commissioners in the Presidency of Bombay, It is hereby enacted as follows :

I. Section IX. of Regulation III. of 1830, and Sections II. III. IV. and V. of Regulation VIII. of 1833, of the Bombay Code, are hereby repealed.

II. It shall be lawful for the Governor in Council of Bombay to issue a Commission in writing to any one of the Judges of the Court of Sudder Foujdaree Adawlut, thereby directing and empowering him to exercise and perform all or any of the powers and duties of a Judge on Circuit, or of a visiting or Judicial Commissioner, under the provisions of Chapter IV. Regulation XIII. of 1827, Sections X. XI. and XII. Regulation III. of 1830, Section V. Regulation VIII. of 1831, and Sections VI. and VII. Regulation VIII. of 1833, of the Bombay Code, and all

all or any of the powers or duties now vested in and exercised by the Court of Sudder Foujdaree Adawlut.

III. It shall be lawful for the said Governor in Council of Bombay, in and by the said Commission, or by order in writing, to direct any Commissioner appointed as aforesaid to proceed on Circuit to any and such Zillahs in the said Presidency as shall be in the said Commission or Order named, and to prescribe the period of his return to the Court of Sudder Foujdaree Adawlut.

Calcutta, 1852 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XXX. OF 1852.

Passed by the Governor General of India in Council, on the 16th July 1852.

An Act for the Naturalization of Aliens.

WHEREAS it is expedient to provide for the Naturalization of Aliens resident in the Territories under the Government of the East India Company, It is enacted as follows:—

I. Any person whilst actually residing in any part of the Territories under the Government of the East India Company may present a memorial to Government, praying that the privileges of Naturalization may be conferred upon him.

II. Such memorial shall state to the best of the knowledge and belief of the memorialist, his age, place of birth, place of residence, profession, trade or occupation, the length of time during which he has resided within the said Territories, that he is settled in the said Territories, or is residing within the same with intent to settle therein, and any other particulars which the Government may require to be stated therein, and such memorial shall be in writing and signed by the memorialist, and accompanied by an affidavit sworn by him, verifying the truth of the statements contained therein.

III. The

III. The memorial shall be considered by the Government to whom it shall be presented, who shall inquire into the circumstances of the case, and may require such evidence either by affidavit or otherwise as they may deem proper, in addition to the before-mentioned affidavit of the memorialist, to prove the truth of the statements contained in such memorial.

IV. The Government may, if they shall think fit, issue a certificate in writing reciting such of the contents of the memorial as they may consider to be true and material, and granting to the memorialist all the rights, privileges and capacities of Naturalization under this Act, except such rights, privileges or capacities, if any, as may be specially excepted in such certificate.

V. The certificate shall be delivered to the memorialist; and a copy or duplicate thereof, together with the memorial upon which the same shall be obtained, and any Affidavit which may accompany such memorial or be produced in support thereof, shall be filed by the Secretary to the Government, or such other Officer as the Government may direct; and such Secretary or Officer shall keep an alphabetical list of all persons who may be naturalized by such Government.

VI. If any material statement contained in such memorial shall be false, the Government may, if they think fit, by an order in writing, declare the certificate issued upon such memorial to be null and void to all intents and purposes, except such purposes, if any, as may be specially excepted in such order; and from and after such order all the rights, privileges and capacities derived through such certificate shall cease to exist.

VII. Such fees shall be payable in respect of the proceedings hereby authorized as shall be fixed by the Government.

VIII. Upon

VIII. Upon obtaining such certificate, and taking and subscribing the oath as hereinafter prescribed, the memorialist shall within the said Territories under the Government of the East India Company be deemed a natural born subject of Her Majesty as if he had been born within the said Territories, and shall be entitled within the said Territories to all the rights, privileges and capacities of a subject of Her Majesty born within the said Territories, except such rights, privileges and capacities, if any, as may be specially excepted in such certificate.

IX. Nothing in this Act contained shall be construed so as to deprive the Courts of the East India Company of jurisdiction over any such naturalized person, or to give to the Courts of Her Majesty any jurisdiction over any such person not otherwise subject to such jurisdiction.

X. Within sixty days from the day of the date of such certificate the memorialist named in such certificate shall take and subscribe the oath contained in the Schedule annexed to this Act.

XI. Such oath, as well as any other oath or affidavit required by this Act, may be administered by any Magistrate or Justice of the Peace within the limits of his jurisdiction, or by any other person to be appointed for that purpose by Government, and the person who shall administer the oath mentioned in the Schedule to this Act annexed shall grant to the memorialist a certificate in writing of his having taken and subscribed such oath, and of the date of his taking and subscribing the same, and shall forward to the Government the oath so taken and subscribed together with a duplicate of such certificate, which oath and duplicate certificate shall be filed and kept with the memorial.

XII. The word "Government" in this Act shall be deemed to mean the person or persons for the time being lawfully entitled to administer the

the executive Government in that part of the said Territories in which the memorialist shall reside at the time of presenting such memorial. The word "Magistrate" shall include any person lawfully exercising the powers of a Magistrate, and words denoting the masculine gender shall include the feminine.

XIII. In every case in which the word "oath" or "affidavit" is used in this Act, an affirmation to the same effect as the oath or affidavit required shall be sufficient in cases where the person required to make such oath or affidavit shall be a person allowed by law to affirm in civil cases, and in every such case such affirmation shall be made before the person authorized to administer the oath, and the word "oath" or "affidavit" wherever used in this Act shall include such affirmation.

SCHEDULE.

OATH.

I, A. B., of *(here state the description of the party)* do swear *(or being one of the persons allowed by law to affirm in civil cases, do affirm,)* that I will be faithful and bear true allegiance to the Sovereign of the United Kingdom of Great Britain and Ireland, and of these Territories as dependent thereon, and that I will be true and faithful to the East India Company.

(Signed) A. B.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XXXI. OF 1852.

Passed by the Governor General of India in Council, on the 13th August 1852.

An Act to repeal Clause 17, *Section* XVI., *Regulation* XX. 1817 *of the Bengal Code.*

WHEREAS it is not expedient that Darogahs or other Police Officers should be entitled to a Commission on the value of property stolen or plundered which they may recover, It is hereby enacted as follows:

I. Clause 17, Section XVI., Regulation XX. 1817 of the Bengal Code is repealed.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F Carbery

ACT No. XXXII. OF 1852.

Passed by the Governor General of India in Council, on the 20th August 1852.

An Act to facilitate the prosecution of certain Ministerial and Police Officers for certain Criminal Acts.

WHEREAS it is expedient to enable the local Governments, and the head officers of departments or offices under Government, to prosecute their subordinate ministerial or police officers for acts of corruption, extortion, embezzlement, or other malversation, whether or not any charge be preferred by an aggrieved private party in respect of such acts, It is enacted as follows:

I. Whenever the local Government, or the head officer of a department or office under Government, shall be of opinion that there are good grounds for making a public enquiry into the truth of any imputation of corruption, extortion, embezzlement, or other malversation committed at any time during tenure of office, by any ministerial or police officer, subject to the jurisdiction of the Courts of the East India Company, and subordinate to such Government, or employed in such department or office, as the case may be, it shall be lawful for such Government, or any such head officer as aforesaid, to prosecute such officer on the part of Government

Government in a Criminal Court, or to nominate some person to conduct such prosecution; and it shall also be lawful for such Government, or head officer as aforesaid, in their or his discretion, to undertake on the part of Government the prosecution in a Criminal Court of any such charge, as aforesaid, which may be brought by an aggrieved private party against any such ministerial or police officer, and such prosecutions as aforesaid shall not be barred, or affected, by reason of the party prosecuted having ceased to be in the service of Government at the time at which the charge may be brought against him.

II. Provided always that no Collector, Magistrate, nor head of an office in the Salt, Abkarree, or Customs Department under the grade of Commissioner, shall commence or undertake a prosecution under this Act, until he shall have obtained the permission of the Court, Board, or officer to whom he is immediately subordinate, to institute the same.

III. No Collector, Magistrate, Judge, or other officer, who may prosecute any officer under this Act, or cause such prosecution to be instituted, or who may conduct any preliminary investigation into the conduct of such officer connected with such prosecution, nor any of his deputies, assistants, or subordinate officers, shall act as judge in any such prosecution.

IV. Nothing herein contained shall be construed so as to repeal or otherwise affect Regulations IX. 1822 and VII. 1828, of the Madras Code, and Act XXXVI. 1837, and the said Regulations and Acts shall remain in full force with respect to the malversations and offences in the Revenue Department to which they are applicable.

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ACT No. XXXIII. OF 1852.

Passed by the Governor General of India in Council, on the 27th August 1852.

An Act to facilitate the enforcement of judgments in places beyond the jurisdiction of the Courts pronouncing the same.

I. EVERY party, who shall have obtained a judgment in any Court of Her Majesty, or of the East India Company, in any part of the territories under the Government of the East India Company, or in any Court established by the authority of the Governor General of India in Council in the territory of any foreign Prince or State, and who shall be unable to enforce or obtain satisfaction of the same by execution within the jurisdiction of such court, may enforce or obtain execution of the same in any part of the said territories under the Government of the East India Company in manner following:

II. The party may apply to the court, which shall have pronounced such judgment, for a copy thereof, and also for a certificate that satisfaction of such judgment has not been obtained by execution within the jurisdiction of the said court, also for a copy of any order for execution of such judgment that may have been passed, and, if necessary, for a translation of the said judgment and order for execution into the English language.

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The court, unless there be any sufficient reason to the contrary, shall cause such copy and certificate, and translation, if necessary, to be furnished, and the same shall be signed by the judge, or one of the judges of the court, and sealed with the seal of the court.

III. ' If such court shall be the principal civil court of original jurisdiction in the district, the judge shall describe himself accordingly in the certificate and shall also name the court and the district.

IV. If the court shall not be the principal civil court of original jurisdiction in the district, the copy of the judgment and of the order for execution, if any, the certificate of the judge, and the translation, if any, shall, without delay, be transmitted to the principal civil court of original jurisdiction in the district, and the judge, or one of the judges of such court shall issue a certificate under his hand and the seal of the court, verifying the signature of the judge of the court in which the judgment shall have been given to the documents above-mentioned; and in such certificate the judge signing the same shall describe himself as the judge, or one of the judges of the principal civil court of the district, and shall also name the court and the district.

V. All copies, translations, and certificates, which may be furnished by, or transmitted to the principal civil court of original jurisdiction in the district in which such judgment shall have been given, shall be transmitted by such court without delay to the principal civil court of original jurisdiction in the district in which the party may wish to have the judgment enforced or executed, and if such last-mentioned court be the Supreme Court of Judicature of either of the Presidencies, to the Prothonotary of the Court; and such court shall cause the said documents to be filed therein, without any proof of the judgment or order for execution, or of the copies thereof, or of the translations, if any, or of the seal or jurisdiction

tion of any court, or of the signature of any judge, unless the court, to which such documents shall be transmitted, shall, under any peculiar circumstances to be specified in an order, require the same.

VI. The copy of any judgment, or of any order for execution, when filed in the court to which it shall be transmitted for the purpose of being executed or enforced as aforesaid, shall for such purpose have the same effect as a judgment or order for execution made by such court, and may be enforced or executed by such court, or any court subordinate thereto, to which it may entrust the enforcement or execution thereof.

VII. When application shall be made to any of the said courts to enforce, or execute the judgment of any other court as aforesaid, the court to which the application shall be made, or referred, shall proceed to enforce or execute the same according to its own rules and mode of procedure in like cases; and the last-mentioned court shall take cognizance of, and punish, all wrongful acts or irregularities done or committed in enforcing and executing such judgment; and all persons disobeying or obstructing the enforcement or execution of any such judgment, shall be punishable by such last-mentioned court, in the same manner as if the said judgment had been pronounced by such court.

VIII. The decrees, of which execution is to be general of any Military Courts of Requests holden within the said territories under the Government of the East India Company, or mentioned in Section XVII. Act No. XI. 1841, may be enforced in the manner provided by this Act. No such decree, however, shall be enforced under this Act against the person of the debtor, if a soldier. In the case of a decree of a Military Court of Requests the copy, decree, and certificate, and translation, if any, shall be signed by the officer commanding the station or cantonment, who

who shall describe himself accordingly; and no proof of the decree, or of the signature or appointment of such officer, or of the jurisdiction of the court shall be necessary, unless the court to which the same may be presented shall think fit, under any peculiar circumstances to be specified in an order, to require the same.

IX. A petition for execution under this Act of any judgment of a moonsiff's court, or of any decree of a Military Court of Requests, may be written on plain paper.

X. An appeal shall lie from any order for the enforcement or execution of a judgment under this Act, in the same manner, and subject to the same rules and regulations, as if the judgment had been originally given by the court making such order.

XI. In this Act the word "judgment" means a judgment in a civil suit or proceeding, and includes any final decree or order in a civil suit or proceeding. The word "party" shall include any person who would be entitled to maintain a suit upon the judgment. The masculine gender shall include the feminine, and the singular number shall include the plural.

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ACT No. XXXIV. OF 1852.

Passed by the Governor General of India in Council, on the 10th September 1852.

An Act for the prevention of Gambling in the Settlement of Prince of Wales' Island, Singapore and Malacca.

WHEREAS the vice of gambling has much increased, and many gaming-houses have been established within the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca, for suppression of which the laws now in force are inadequate, It is enacted as follows:

I. Every person who, within the Settlement of Prince of Wales' Island, Singapore and Malacca, shall keep a common gaming-house, or any room or other place used for the purposes of a common gaming-house, or who shall have the care or management thereof, or shall in any manner conduct the business of any such common gaming-house, either as banker, shroff, croupier or otherwise, shall, on conviction before the Court of Quarter Session of the said Settlement, be punishable by imprisonment, with or without hard labor, for any term not exceeding six calendar months, or, in the discretion of the Court, to a fine not exceeding Five Hundred Dollars, and in default of payment of such fine, where a fine shall be imposed, the offender may be imprisoned by the said Court, with

with or without hard labor, either in the House of Correction or Her Majesty's Jail, for any period not exceeding six calendar months.

II. In default of other evidence proving any house, room, or place to be used as a common gaming-house, it shall be enough, in support of the allegation in any charge that any house, room, or place is a common gaming-house, to prove that such house, room, or place is kept or used for playing therein at cards, dice, poh, or any unlawful game, and that a bank is kept there by any one or more of the players exclusively of the others, or that the chances of any game played therein are not alike favorable to all the players, including among the players the banker or other person by whom the game is managed, or against whom the other players stake, play, or bet; and every such house, room, or place shall be deemed a common gaming-house.

III. Every person who shall be found in any such common gaming-house playing or gaming with cards, dice, counters, poh, money, or other instruments of gaming, or who shall be found there present for the purpose of gaming, or who shall be found gaming with cards, dice, counters, poh, money, or other instruments of gaming in any public street, place, or thoroughfare within the said Settlement, whether playing for any money, wager, stake or otherwise, shall be punishable, on conviction before the Court of Quarter Session of the said Settlement, by imprisonment for any term not exceeding three calendar months, or, in the discretion of the said Court, by fine not exceeding Two Hundred Dollars, and in default of payment of such fine, may be imprisoned by the said Court, with or without hard labor, either in the House of Correction or in Her Majesty's Jail, for any period not exceeding three calendar months; and any person found in any common gaming-house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

IV. Any

IV. Any Justice of the Peace of the said Settlement, upon information laid before him on oath that there is reason to suspect any house, room, or place within the said Settlement to be used as a common gaming-house, may, by his warrant, give authority to any Peace Officer of the said Settlement to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place, and to take into custody all persons whom he finds therein, whether or not then actually gaming; and to seize all instruments of gaming, and all moneys and securities for money found therein, and to search all parts of the house, room, or place which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed therein, and to search also the persons of those whom he so takes into custody, and to seize and take possession of all cards, dice, pohs, counters, and other instruments of gaming, which he shall find upon such search.

V. If any Peace Officer shall see any persons engaged in playing at cards, dice, poh, or other game, in any common gaming-house, it shall be lawful for such Peace Officer and his Assistants, without a warrant, to enter such gaming-house, and to apprehend all persons whom he shall find therein in the act or for the purpose of gaming, and to seize and take possession of all money and instruments of gaming found therein, or upon the persons of those so taken into custody; Provided that neither such Peace Officer nor any of his Assistants shall use force or violence for the purpose of gaining admittance into such gaming-house.

VI. When any cards, dice, pohs, gaming-table, or cloth, board, or other instruments of gaming are found in any house, room, or place, of which information has been given on oath to a Justice of the Peace that it is suspected of being used as a common gaming-house, or about the person of any of those who are found therein, it shall be evidence, until

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the contrary is made to appear, that such house, room, or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Peace Officer, or any of his Assistants.

VII. On conviction of any person for keeping any such common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein shall be destroyed by order of the Court of Quarter Session, which may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all moneys seized therein, to be forfeited; or in its discretion may order any part thereof to be returned to the parties appearing to have been severally thereunto entitled.

VIII. Any Officer of Police may arrest, without warrant, all persons whom he may see in the act of gaming in any common gaming-house, or in any public street, place, or thoroughfare in the said Settlement, and seize all cards, dice, pohs, counters, and instruments of gaming which he finds in their possession, and such cards, dice, pohs, counters, and instruments shall, on conviction of any of the parties, be forfeited.

IX. It shall not be necessary in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

X. Any person, who shall have been concerned in any unlawful gaming, and who shall be examined as a witness before the said Court of Quarter Session on the trial of any person or persons for a breach of any

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of the provisions of this Act, and who upon such examination shall make true and faithful discovery, to the best of his or her knowledge, of all things as to which he or she shall be so examined, and who shall thereupon receive from the said Court a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such unlawful gaming.

XI. Any Justice of the Peace of the said Settlement, upon information laid before him upon oath charging any person with being the keeper or manager of a common gaming-house, or of any room or place used for the purpose of a common gaming-house within the said Settlement, may issue his warrant directed to any Peace Officer to apprehend any such person, and to bring him before such Justice, or any other Justice of the Peace of the said Settlement, to be dealt with according to law.

XII. Nothing in the foregoing provisions of this Act contained shall be held to apply to any game of mere skill played at licensed hotels, taverns, or eating-houses, or places of public resort within the said Settlement.

XIII. Every person who shall, by any fraud, or unlawful device, or ill practice, in playing at or with cards, dice, or other game, or in bearing a part of the stakes, wagers, or adventures, or in betting on the sides or hands of them that do play, or in wagering on the event of any game, sport, pastime or exercise, win from any other person, for himself, or any other or others, any sum of money or valuable thing, shall be deemed guilty of obtaining such money or valuable thing from such other person by a false pretence, with intent to cheat or defraud such person of the same, and, being convicted thereof, shall be punished accordingly.

XIV. No

XIV. No conviction, or other proceeding before the said Court of Quarter Session, under this Act, shall be quashed, reversed, or set aside, or adjudged void or insufficient for want of form, or be removed by *Certiorari* into Her Majesty's Court of Judicature of the said Settlement.

XV. The Court of Quarter Session shall, on conviction, have power to direct any portion, not exceeding one-fourth of any fine which shall be levied under the provisions of this Act, or any part of the moneys or proceeds of articles seized under the provisions of this Act, and ordered to be forfeited, to be paid to an informer; and the balance of such fines and moneys, or the whole thereof, as the case may be, shall be applied to the use of the municipal fund of the station within the said Settlement at which the same shall have been taken.

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ACT No. XXXV. OF 1852.

Passed by the Governor General of India in Council, on the 1st October, 1852.

An Act for the abolition of the Poll Tax within the towns of Akyab and Kyouk Phyoo, in the Province of Arracan, and for levying a Tax on lands covered by dwelling-houses within those towns.

WHEREAS it is expedient to abolish the poll tax now levied within the towns of Akyab and Kyouk Phyoo, in the Province of Arracan, and instead thereof to levy a tax upon land covered by dwelling-houses within the said towns; It is enacted as follows:

I. After the first day of May 1853, the levy of a poll tax within the towns of Akyab and Kyouk Phyoo, in the Province of Arracan, shall cease.

II. After the said first day of May 1853, a principal assistant of the district in which the same shall be situate shall from time to time, as he shall think fit, assess every dwelling-house within the aforesaid towns of Akyab and Kyouk Phyoo, respectively, at the rate of one pie and a half for every square cubit of land covered by such dwelling-house, the length of the cubit being estimated at eighteen inches: the amount of the said assessment shall be payable every year by the owner or occupier of

of such dwelling-house, by equal half-yearly payments to be made in advance.

III. In case of non-payment of the amount assessed upon any dwelling-house within eight days after the same shall have been demanded as hereinafter mentioned, it shall be lawful for a principal assistant of the district in which such dwelling-house shall be situate, to cause such amount, or so much thereof as shall remain unpaid, together with a reasonable sum for costs, to be levied by distress and sale of the goods and chattels, to whomsoever belonging, found in such dwelling-house, or upon the goods or chattels of the owner thereof, wheresoever they may be found within the said towns, respectively; or the owner of the said dwelling-house may be sued for the amount: provided that no distress shall be made upon the goods and chattels of any person, other than the owner of the dwelling-house, for more than the arrears of assessment for the preceding year.

IV. The demand above referred to shall be made in manner following:—A written demand, signed by a principal assistant of the district, or some officer authorized by him in that behalf, identifying the dwelling-house, and specifying the amount claimed, the dimensions of the land covered by the dwelling-house, and the period in respect of which the amount is claimed, shall be delivered by the officer appointed to collect the same to the tenant or occupier of the said dwelling-house, or in case the demand cannot be delivered to such tenant or occupier, or there be no tenant or occupier, the same may be fixed to some conspicuous part of the dwelling-house.

V. It shall be lawful for a principal assistant of the district in which any such dwelling-house shall be situate, or any officer who may be authorized so to do, by writing, signed by such principal assistant, at any reasonable time in the day-time, to enter into such dwelling-house, or

any

any land adjoining thereto, in order to measure or ascertain the extent of land covered by such dwelling-house.

VI. It shall be lawful for a principal assistant of the district in which any dwelling-house liable to be assessed under this Act shall be situate, to cause a number to be painted on or affixed to such dwelling-house, for the better identifying the same; and if any person shall wilfully remove, obliterate, or destroy such number, he shall be punishable by the principal assistant, or a magistrate, or any officer lawfully having the powers of a magistrate, by a fine not exceeding twenty rupees for every such offence, and in case of non-payment thereof, by imprisonment for any term not exceeding fifteen days.

VII. In case the amount of the said assessment, or any part thereof, shall be paid by any tenant, or the same be levied by seizure and sale of his goods and chattels, such tenant may deduct the amount of the payment or levy from the rent then due, or thereafter to become due, to his landlord; and such deduction shall be equivalent to payment of that amount; and the owner of any dwelling-house shall indemnify any person whose goods may be distrained for any assessment thereon, or who may pay such assessment in order to avoid a distress or sale of his goods for such assessment.

VIII. The Commissioner of Arracan may, at his discretion, exempt any building from assessment.

IX. No assessment made under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to assessment, or of anything chargeable with assessment, provided the directions of this Act be in substance and effect complied with; and no assessment nor proceedings nor other matter or thing had or done under this Act shall be removed by *certiorari*, or quashed, or set aside for want

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of form or error of procedure in any Court of Justice, but only on the merits.

X. An appeal shall lie to the Commissioner of Arracan by any one who shall feel aggrieved by anything done under this Act.

XI. For the purposes of this Act, the following shall be the boundaries of the towns of Akyab and Kyouk Phyoo, *viz.*:

The boundaries of Akyab—to the north, the Charoogya Creek; to the west, the said creek and a road running west and south until it joins the bund called Morton's Bund, which leads down to the sea-shore; to the south, the sea; to the east, the Akyab River and Harbour.

The boundaries of Kyouk Phyoo—to the north, the sea; to the east, Oon Khyoung or Salt Golah Creek; to the west, the cantonments; to the south, Kulabadong Lands, Kangyeendan Village, and Nga Tsoung's Grant.

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